E/1991/23
E/C.12/1990/8

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

REPORT ON THE FIFTH SESSION

(26 November-14 December 1990)

ECONOMIC AND SOCIAL COUNCIL

OFFICIAL RECORDS, 1991

SUPPLEMENT No. 3

UNITED NATIONS

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

E/1991/23
E/C.12/1990/8

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ABBREVIATIONS

AIDS	Acquired immuno-deficiency syndrome
CDP	Committee on Development Planning
ECLAC	Economic Commission for Latin America and the Caribbean
ECOSOC	Economic and Social Council
EEC	European Economic Community
FAO	Food and Agriculture Organization of the United Nations
GNP	Gross national product
HIV	Human immuno-deficiency virus
ICRC	International Committee of the Red Cross
ILO	International Labour Organisation
IMF	International Monetary Fund
NGO	Non-governmental organization
OAS	Organization of American States
ODA	Official development assistance
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNRWA	United Nations Relief and Works Agency
WHO	World Health Organization
WIPO	World Intellectual Property Organization

EXPLANATORY NOTE

A hyphen between years, e.g. 1989-1994, signifies the full period involved, including the beginning and end years.

Chapter I

DRAFT DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

DRAFT DECISION I

Non-submission of reports by States parties

The Economic and Social Council, recalling the concern that it has frequently expressed at the non-submission of reports by States parties to international human rights treaties, appeals to the following States, which have been parties to the International Covenant on Economic, Social and Cultural Rights for more than 10 years but which have yet to submit even the initial report required by the Covenant, to do so as soon as possible: El Salvador, Gambia, Guinea, Iceland, Kenya, Lebanon, Mali, Mauritius, Morocco, Sri Lanka, Suriname and Uruguay. The Council notes that these States might wish to avail themselves of the advisory services available from the Centre for Human Rights to assist them in the preparation of their overdue reports.

DRAFT DECISION II

Public information

The Economic and Social Council, noting the importance that it has constantly attached to public information activities in the field of human rights, requests the Secretary-General to undertake, as soon as possible, the preparation and publication of a brochure or booklet describing in detail the work of the Committee on Economic, Social and Cultural Rights.

Chapter II

ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Covenant

1. As at 14 December 1990, the closing date of the fifth session of the Committee on Economic, Social and Cultural Rights, there were 97 States parties to the International Covenant on Economic, Social and Cultural Rights which was adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 and opened for signature and ratification in New York on 19 December 1966. The Covenant entered into force on 3 January 1976 in accordance with the provisions of its article 27. A list of States parties to the Covenant is contained in annex I to the present report.

B. Opening and duration of the session

2. The fifth session of the Committee on Economic, Social and Cultural Rights, was held at the United Nations Office at Geneva from 26 November to 14 December 1990.

3. The Committee held 24 meetings. An account of the deliberations of the Committee is contained in the relevant summary records (E/C.12/1990/SR.27-50).

C. Membership and attendance

4. In accordance with its resolution 1985/17 of 28 May 1985, the Economic and Social Council, at its 17th meeting on 22 May 1986, elected, by secret ballot from a list of persons nominated by States parties to the Covenant, 18 experts as members of the Committee on Economic, Social and Cultural Rights for a term beginning on 1 January 1987. 1/ The regular term of office of the members of the Committee is four years. In accordance with resolution 1985/17, the President of the Council, immediately after the first elections, chose by lot the names of nine members whose term shall expire at the end of two years. Accordingly, on 26 May 1988 the Council elected nine members of the Committee for the term of four years beginning on 1 January 1989 and expiring on 31 December 1992. The Council, upon the resignation of Mr. Edward P. Sviridov and Mr. Adib Daoudy, also elected two members to fill those vacancies for the remainder of their terms of office expiring on 31 December 1990. The list of the members of the Committee, together with an indication of the duration of their term of office, appears in annex II to the present report.

5. The Economic and Social Council, by its decision 1990/212 of 23 May 1990, elected the following nine members of the Committee for a term of office of four years beginning on 1 January 1991 and expiring on 31 December 1994: Mr. Philip Alston (Australia), Mr. Abdel Halim Badawi (Egypt), Mrs. Virginia Bonoan-Dandan (Philippines), Mrs. Luvsandanzangiin Ider (Mongolia), Mr. Valeri I. Kouznetsov (Union of Soviet Socialist Republics),

Mr. Jaime Alberto Marchan Romero (Ecuador), Mr. Alexandre Muterahejuru (Rwanda), Mr. Bruno Simma (Germany) and Mr. Javier Wimer Zambrano (Mexico).

6. All members of the Committee, except Mr. Ibrahim Ali Badawi El Sheikh, attended the fifth session. Mr. Juan Alvarez Vita and Mr. Kenneth Osborne Rattray attended only a part of the session.

7. The following specialized agencies were represented by observers: ILO, UNESCO and WHO.

8. The following non-governmental organizations in consultative status with the Economic and Social Council were represented by observers:

Roster: Habitat International Coalition.

D. Pre-sessional working group

9. In response to a request by the Committee, the Economic and Social Council, in its resolution 1988/4 of 24 May 1988, authorized the establishment of a pre-sessional working group composed of five of its members to be appointed by the Chairman to meet for up to one week prior to each session. Accordingly, the Chairman of the Committee, in consultation with the members of the Bureau, designated the following Committee members as members of the pre-sessional working group:

Mr. Mohamed Lamine FOFANA
Mrs. María de los Angeles JIMENEZ BUTRAGUENO
Mr. Valeri I. KOUZNETSOV
Mr. Mikis Demetriou SPARSIS
Mr. Javier WIMER ZAMBRANO

10. The Economic and Social Council, having considered at its first regular session of 1990 the report of the Committee on its fourth session (E/1990/23), noted the considerable advantages to be obtained from separating in time the meeting of the Committee's pre-sessional working group and the actual session of the Committee and approved the holding of the former at a time one to three months prior to the latter (Council decision 1990/252 of 25 May 1990).

11. Accordingly, the pre-sessional working group held its meetings at the United Nations Office at Geneva from 8 to 12 October 1990. Mr. Mikis Demetriou Sparsis was elected its Chairman/Rapporteur.

12. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. A list of such questions was transmitted to the permanent missions of the relevant States. Further details of the work of the working group are provided in Chapter III below.

E. Election of officers

13. In accordance with rule 14 of its rules of procedure, the Committee at its 27th meeting, on 26 November 1990, elected the members of its Bureau, as follows:

Chairman: Mr. Valeri I. KOUZNETSOV

Vice-Chairmen: Mr. Mohamed Lamine FOFANA
Mr. Mikis Demetriou SPARSIS
Mr. Javier WIMER ZAMBRANO

Rapporteur: Mr. Philip ALSTON

F. Agenda

14. At its 27th meeting, on 26 November 1990, the Committee adopted the items listed on the provisional agenda submitted by the Secretary-General (E/C.12/1990/6) as the agenda of its fifth session. The agenda of the fifth session, as adopted, was as follows:

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Action by the Economic and Social Council at it first regular session of 1990; the General Assembly at its forty-fifth session; and the Commission on Human Rights at its forty-sixth session.

6. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

7. Consideration of reports:

    (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant;

    (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

8. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

9. General discussion on the rights contained in article 11 of the Covenant.

10. Report of the Committee to the Economic and Social Council.

G. Organization of work

15. The Committee considered its organization of work at its 27th to 31st meetings held from 26 to 28 November, 33rd meeting held on 29 November, 34th and 35th meetings held on 30 November, 36th meeting held on 3 December, 40th meeting held on 5 December, 45th and 46th meetings held on 10 December and 47th meeting held on 11 December 1990. In connection with this item, the Committee had before it the following documents:

(a) Draft programme of work for the fifth session, prepared by the Secretary-General in consultation with the Chairman of the Committee (E/C.12/1990/L.3);

(b) Report of the Committee on the work of its first (E/1987/28), second (E/1988/14), third (E/1989/22) and fourth (E/1990/23) sessions;

(c) Letter, dated 4 May 1990, from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations Office at Geneva to the Chairman of the Committee.

16. In accordance with rule 8 of its rules of procedure, the Committee at its 27th and 28th meetings, on 26 November 1990, considered the draft programme of work of its fifth session prepared by the Secretary-General in consultation with the Chairman, and approved it, as amended during consideration (see E/C.12/1990/L.3/Rev.1).

17. For reasons of lack of time the Committee was unable to take up agenda item 9.

H. Outgoing members

18. The Committee, having noted that the terms of office of three of its members would expire by 31 December 1990, wished to place on record its deep appreciation of the contribution made to its work by Mr. Ibrahim Ali Badawi El Sheikh, Mr. Sami Glaiel and Ms. Chikako Taya.

I. Next session

19. The Committee noted that its next session would take place from 25 November to 13 December 1991 and that its pre-sessional working group would meet from 16 to 20 September 1991.

Chapter III

OVERVIEW OF THE PRESENT WORKING METHODS OF THE COMMITTEE

20. Since its first session, in 1987, the Committee has made a concerted effort to devise appropriate working methods which adequately reflect the nature of the tasks with which it has been entrusted. In the course of the first five sessions it has sought to modify and develop these methods in the light of its experience. It may be expected that these methods will continue to evolve, taking account of: the introduction of the new reporting system which requires that a single global report be submitted every five years; the evolution of the procedures developing within the treaty régime as a whole; and the feedback which the Committee receives from States parties to the International Covenant on Economic, Social and Cultural Rights, as well as the Economic and Social Council.

21. The following overview of the Committee's methods of work is designed to make the Committee's current practice more transparent and readily accessible so as to assist States parties and others interested in the implementation of the Covenant.

A. General guidelines for reporting

22. The Committee attaches major importance to the need to structure the reporting process and the dialogue with each State party's representatives in such a way as to ensure that the issues of principal concern to it are dealt with in a methodical and informative manner. For this purpose the Committee had substantially revised its reporting guidelines with a view to assisting States in the reporting process and improving the effectiveness of the monitoring system as a whole. The Committee strongly urges all States parties to report to it in accordance with the guidelines to the greatest extent possible. It notes that, over the course of time, the guidelines adopted at its fifth session (see annex IV) may be revised to take account of its experience therewith.

B. Examination of State party reports

1. Work of the pre-sessional working group

23. At its second session the Committee requested the Economic and Social Council to authorize the establishment of a pre-sessional working group to meet prior to each session of the Committee. In paragraph 10 of its resolution 1988/4 of 24 May 1988, the Council authorized the establishment of such a group prior to each session, subject only to the availability of existing resources. The pre-sessional working group met for five days prior to the third, fourth and fifth sessions of the Committee. It was composed of five members of the Committee nominated by the Chairman, taking account of the desirability of a balanced geographical distribution.

24. The principal purpose of the working group was to identify in advance the questions which might most usefully be discussed with the representatives of the reporting States. In accordance with the Committee's decision at its second session, the aim was to improve the efficiency of the system and to facilitate the task of States' representatives by providing advance notice of the principal issues which might arise in the examination of the reports (E/1988/14, para. 361).

25. It is generally accepted that the complex nature and diverse range of many of the issues raised in connection with the implementation of the Covenant constitute a strong argument in favour of providing States parties with the possibility of preparing in advance to answer some of the principal questions arising out of their reports. Such an arrangement also enhances the likelihood that the State party will be able to provide precise and detailed information.

26. In terms of its own working methods, the working group decided, in the interests of efficiency, to allocate to each of its members initial responsibility for undertaking a detailed review of a specific number of reports and for putting before the group a preliminary list of issues. The decision as to how the reports should be allocated for this purpose was based in part on the preferred areas of expertise of the member concerned. Each draft was then revised and supplemented on the basis of observations by the other members of the group and the final version of the list adopted by the group as a whole. This procedure was applied equally to both initial and periodic reports.

27. In preparation for the pre-sessional working group, the Committee had asked the Secretariat to place at the disposal of its members a file containing information relevant to each of the reports to be examined. For this purpose the Committee had invited all concerned bodies and individuals to submit relevant and appropriate documentation to the Secretariat. It had also asked the Secretariat to ensure that certain types of information were regularly placed in the relevant file.

28. The lists of issues drawn up by the working group were given directly to representatives of the States concerned, along with a copy of the Committee's most recent report and with a note stating, inter alia, the following:

> "The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to ask. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the State party can be facilitated by making the list available in advance of the Committee's session."

29. In order to allow sufficient time for the list of questions to be translated into the appropriate language, the transmission of the list to the capital concerned and preparation of adequate responses by the relevant State party, and pursuant to the authorization of the Economic and Social Council, the working group had since the Committee's fourth session met one to three months prior to the session of the Committee.

30. In addition to the task of formulating the lists of questions, the pre-sessional working group was also entrusted with a variety of other tasks designed to facilitate the work of the Committee as a whole. These included: discussing the most appropriate allocation of time for the consideration of each State report; considering the issue of transitional arrangements in view of the extended periodicity of reporting; undertaking a preliminary review of the draft general guidelines; considering the issue of how best to respond to supplementary reports containing additional information; examining draft general comments; considering how best to structure the day of general discussion; and other relevant matters.

2. Presentation of the report

31. In accordance with the established practice of each of the United Nations human rights treaty monitoring bodies, representatives of the reporting States are entitled, and indeed are strongly encouraged, to be present at the meetings of the Committee when their reports are examined. The following procedure was followed in this regard at the Committee's fifth session. The representative of the State party was invited to introduce the report by making brief introductory comments and, as far as possible, responding to the list of issues drawn up by the pre-sessional working group. A period of time was then allocated to enable the representatives of the specialized agencies to provide the Committee with any observations relevant to the report under consideration. During the same period, members of the Committee were invited to put questions and observations to the representative of the State party. As a matter of practice, the members who had participated in the pre-sessional working group were expected to limit their additional questions and the Committee accorded priority to those members who were not present at the pre-sessional working group. A further period of time was then allocated to enable the representative to respond, as precisely as possible, to the questions posed. It was generally understood that questions that could not adequately be dealt with in this manner could be the subject of additional information provided to the Committee in writing.

32. The final phase of the Committee's examination of the report consisted of a period during which members were invited to offer any concluding observations they wished to make on the basis of all the information available to them. Rather than taking place on the same day as the final set of replies by the representative of the State party, it was agreed that this final phase would be held at least one day later, in order to provide adequate

time for members to reflect on the information provided and to reach a balanced evaluation. It was understood that this period would not be used to raise entirely new issues which the State party had not had a chance to address in its replies. To facilitate the process it was agreed that the Chairman would request a particular member, ideally not from the same region as the reporting State, to be the first speaker during the concluding observations phase of the consideration of each report. This arrangement did not in any way preclude other members from making whatever concluding observations they wished. The Committee invited the representative of the State party concerned to be present during this phase and the possibility was foreseen for the Committee to invite additional brief observations to be submitted by the representative if he or she so requested. Moreover, in subsequently providing the Committee with any written additional information it was agreed that the State party concerned was free to address any of the Committee's concluding observations.

33. When considering reports based on the previous reporting cycle and which dealt with only three articles of the Covenant the Committee has endeavoured to make the most of the very limited time available in which to undertake a constructive and mutually rewarding dialogue with the representatives of States parties. This has generally involved an effort to remain within a time-limit for each phase of the examination, on the basis that only one meeting (three hours) could generally be devoted to each report.

34. The Committee decided at its fourth session that its consideration of the global reports which States parties were beginning to submit in accordance with the new five-year periodicity would necessitate the allocation of considerably more time for each phase of the examination. It was agreed in general that on the basis of the time (three hours) presently allocated for the consideration of the equivalent of one third of a global report, and in line with the practice of the Human Rights Committee, up to a total of three meetings would be allocated for each global report. While recognizing that it might wish, in the light of future experience, to revise its approach, the Committee agreed to allocate the following indicative times for each phase: up to 30 minutes of general introductory comments by the representative of the State party; up to 2 hours for the representative to respond to the list of written questions; up to 3 hours for observations by representatives of the specialized agencies and questions by members of the Committee; up to 2 hours for further replies by the State party; and up to one hour on a subsequent day, for concluding observations by members of the Committee.

35. The Committee also decided at its fifth session, as it had foreshadowed at its previous session, that on the third occasion that a report of a State party was scheduled for consideration, it would, except in truly exceptional circumstances, proceed with the consideration of the report whether or not a representative of the State party concerned was able to be present.

C. Consideration of additional information submitted

36. The Committee decided at its fifth session that supplementary information provided by States parties would be examined at the session immediately following its receipt, and in the order of receipt. The time devoted to the examination of each report would not normally exceed 45 minutes. It was agreed that the State party would be advised in advance to permit it to be present if it so wished. It also agreed that the first speaker in the examination of the information would be the expert who had prepared the Committee's concluding observations on the report in question.

D. General discussion

37. At its second session the Committee decided (E/1988/14, para. 365) that at each of its future sessions it would devote one day, during the final week of its session, to a general discussion of one specific right or a particular aspect of the Covenant in order to develop in greater depth its understanding of the relevant issues. The discussion would take account of relevant information contained in the reports of States parties and of any other relevant material. The Committee agreed that at both its third and fourth sessions the focus of its discussions would be on the rights contained in article 11 of the Covenant. At its third session the principal emphasis was on the right to adequate food, while the right to housing was the main emphasis at the fourth session. The Committee decided that, at its sixth session, the focus would be on economic and social indicators pertaining to the work of the Committee.

38. In the context of its general discussions the Committee sought to draw as widely as possible on any available expertise which would assist it in its endeavours to develop a deeper understanding of the central issues. In that regard it attached particular importance to the recommendation adopted by the meeting of the persons chairing the human rights treaty bodies convened pursuant to General Assembly resolution 42/105 of 7 December 1987, to the effect that "the treaty bodies should consider establishing procedures designed to facilitate regular meetings with relevant special rapporteurs of the Commission on Human Rights or the Sub-Commission on Prevention of Discrimination and Protection of Minorities who are working on directly relevant subjects, whenever this would be useful" (A/44/98, para. 95).

39. Accordingly, the Committee invited Mr. Asbjørn Eide, the Special Rapporteur on the right to adequate food as a human right, of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, to participate in the general discussion at its third session. Similarly, Mr. Danilo Türk, the Sub-Commission's Special Rapporteur on the realization of economic, social and cultural rights, was invited to participate in the general discussion at its fourth session. In both cases the resulting exchange of views proved to be particularly rewarding and a summary of the discussions which took place was included in the Committee's reports.

40. The Committee also sought to draw upon the expertise of the relevant specialized agencies both in its work as a whole and, more particularly, in the context of its general discussions. In this regard representatives of ILO, FAO, WHO, UNESCO and the United Nations Centre for Human Settlements (HABITAT) have all made informative and constructive contributions to its deliberations.

41. In addition, the Committee invited selected experts who appeared to have a particular interest in, and knowledge of, some of the issues under review, to contribute to its discussions. Thus at its third session it heard comments by Mr. Scott Leckie (consultant on housing and human rights issues) and at its fourth session it heard presentations by Ms. Julia Häussermann (Executive Director of Rights and Humanities), Mr. Rolf Künnemann (expert on food issues and Director of the Food International Action Network), Mr. Russel Barsh (expert on indigenous development issues and a representative of the Four Directions Council), Mr. Denis von der Weid (expert on the right to housing) and Mr. Scott Leckie. It considered that these contributions added considerably to its understanding of some aspects of the questions arising under the Covenant.

E. General comments

42. In response to an invitation addressed to it by the Economic and Social Council in paragraph 9 of resolution 1987/5, the Committee decided at its second session (E/1988/14, para. 367) to begin, as from its third session, the preparation of general comments based on the various articles and provisions of the International Covenant on Economic, Social and Cultural Rights with a view to assisting the States parties to fulfil their reporting obligations.

43. By the end of its fifth session, the Committee and the sessional working group of governmental experts which existed prior to the creation of the Committee had examined 141 initial reports, 52 second periodic reports concerning rights covered by articles 6 to 9, 10 to 12 and 13 to 15 of the Covenant and 3 global reports. This experience covered a significant number of States parties to the Covenant, which consisted of 97 States at the end of the fifth session. They represent all regions of the world, with different political, legal, socio-economic and cultural systems. Their reports submitted so far illustrate many of the problems which might arise in implementing the Covenant although they have not yet provided any complete picture as to the global situation with regard to the enjoyment of economic, social and cultural rights.

44. The Committee endeavours, through its general comments, to make the experience gained so far through the examination of these reports available for the bnefit of all States parties in order to assist and promote their further implementation of the Covenant; to draw the attention of the States parties to insufficiencies disclosed by a large number of reports; to suggest improvements in the reporting procedures and to stimulate the activities of

the States parties, the international organizations and the specialized agencies concerned in achieving progressively and effectively the full relaization of the rights recognized in the Covenant. Whenever necessary, the Committee may, in the light of the experience of States parties and of the conclusions which it has drawn therefrom, revise and update its general comments.

45. The method of work followed by the Committee in the preparation of its general comments had been described in detail in the report on its second session (E/1988/14, para. 370).

46. At its third session the Committee adopted its General Comment No. 1 (1989), which dealt with reporting by States parties (see E/1989/22, annex III). At its fourth session the Committee adopted its General Comment No. 2 (1990), which dealt with international technical assistance measures (art. 22 of the Covenant) (see E/1990/23, annex III). At its fifth session the Committee adopted General Comment No. 3 (1990) which dealt with the nature of States parties' obligations (art. 2, para. 1 of the Covenant) (see annex III to the present report).

Chapter IV

SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

47. In accordance with rule 58 of its rules of procedure, the Committee at its 46th and 47th meetings, held on 10 and 11 December 1990, considered the status of submission of reports under articles 16 and 17 of the Covenant.

48. In this connection, the Committee had before it the following documents:

(a) Note by the Secretary-General on the compilation of general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1987/2);

(b) Note by the Secretary-General on reservations, declarations and objections relating to the International Covenant on Economic, Social and Cultural Rights (E/C.12/1988/1);

(c) Note by the Secretary-General on States parties to the Covenant and the status of submission of reports as at 1 September 1990 (E/C.12/1990/7).

49. In addition to the reports scheduled for consideration by the Committee at its fifth session (see para. 51 below), the Secretary-General informed the Committee that he had received, as at 1 December 1990, the reports submitted under articles 16 and 17 of the Covenant by the following States parties to the Covenant: initial report on articles 10 to 12 of Nicaragua (E/1986/3/Add.15); second periodic reports on articles 13 to 15 of Finland (E/1990/7/Add.1), Sweden (E/1990/7/Add.2), Spain (E/1990/7/Add.3), Colombia (E/1990/7/Add.4), Byelorussian Soviet Socialist Republic (E/1990/7/Add.5), Czech and Slovak Federal Republic (E/1990/7/Add.6), Norway (E/1990/7/Add.7), Union of Soviet Socialist Republics (E/1990/7/Add.8), Poland (E/1990/7/Add.9), Hungary (E/1990/7/Add.10); initial report on articles 1 to 15 of New Zealand (E/1990/5/Add.5); and the second periodic report on articles 1 to 15 of Italy (E/1990/6/Add.2).

50. In accordance with rule 57, paragraph 1 of its rules of procedure, a list of States parties together with an indication of the status of submission of their reports is contained in annex I to the present report. In accordance with rule 57, paragraph 2, the Committee has made a number of recommendations to the Council with regard to the submission of reports by States parties which are included in chapters I and VI of the present report.

CHAPTER V

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

51. At its fifth session, the Committee examined 7 reports submitted by 6 States parties under articles 16 and 17 of the Covenant. It devoted 17 of the 24 meetings it held during the fifth session to the consideration of these reports (E/C.12/1990/SR.30-45 and 47). The following reports, listed in the order in which they had been received by the Secretary-General, were before the Committee at its fifth session:

Initial reports concerning articles 6 to 9 of the Covenant

Afghanistan	E/1984/6/Add.12
Panama	E/1984/6/Add.19

Initial reports concerning articles 10 to 12 of the Covenant

Ecuador	E/1986/3/Add.14

Second periodic reports concerning articles 10 to 12 of the Covenant

Panama	E/1986/4/Add.22

Initial reports concerning articles 13 to 15 of the Covenant

Jordan	E/1982/3/Add.38/Rev.1
Iran (Islamic Republic of)	E/1982/3/Add.43
Democratic People's Republic of Korea	E/1988/5/Add.6
Ecuador	E/1988/5/Add.7
Panama	E/1988/5/Add.9

Initial reports concerning articles 1 to 15 of the Covenant

Luxembourg	E/1990/5/Add.1
Yemen [*]	E/1990/5/Add.2
Costa Rica	E/1990/5/Add.3
Dominican Republic	E/1990/5/Add.4

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[*] As of 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged into a single sovereign State, the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Covenant on 9 May 1987. The Yemen Arab Republic was not a State party to the Covenant.

Second periodic reports concerning articles 1 to 15 of the Covenant

Syrian Arab Republic	E/1990/6/Add.1

Supplementary information submitted by States parties

Zaire	E/1989/5
France	E/1989/5/Add.1
Netherlands	E/1989/5/Add.2
Colombia	E/1989/5/Add.3

52. At its 27th meeting, held on 26 November 1990, the Committee agreed, at the request of the Governments concerned, to postpone to its sixth session consideration of the initial report of the Democratic People's Republic of Korea concerning articles 13 to 15 of the Covenant (E/1988/5/Add.6) and the initial report of Yemen concerning articles 1 to 15 of the Covenant (E/1990/5/Add.2). At its 36th meeting, held on 3 December 1990, the Committee also agreed, at the request of the Government of Panama, to postpone to its sixth session the consideration of Panama's initial reports on articles 6 to 9 (E/1984/6/Add.19) and 13 to 15 (E/1988/5/Add.9) and of the second periodic report on articles 10 to 12 (E/1986/4/Add.22) of the Covenant.

53. At its 27th and 28th meetings, held on 26 November 1990 the Committee considered the requests of the Governments of Afghanistan and of the Islamic Republic of Iran to postpone consideration of their reports (initial report on articles 6 to 9 and initial report on articles 13 to 15 respectively) to the sixth session of the Committee. With respect to those requests, the Committee noted that in the case of Afghanistan it was the fifth, and in the case of the Islamic Republic of Iran the third consecutive request for postponement of the consideration of their respective reports. In that connection, the Committee noted the approach that it had foreshadowed with regard to the cases of repeated non-appearance by a State party before the Committee, in its report on the fourth session (E/1990/23, paras. 306 and 307). Subsequently, the Committee decided "that on the third occasion that a State party's report is scheduled for consideration, it will, except in truly exceptional circumstances, proceed with the consideration of the report submitted whether or not a representative of the State party concerned is able to be present". Subsequently, the Committee at its 40th meeting, held on 5 December 1990, having heard the statement of the Permanent Representative of Afghanistan to the United Nations Office at Geneva, and in the light of the undertaking given by the Representative that a global report would be submitted in time for the sixth session, decided to postpone to its sixth session consideration of the initial report of Afghanistan concerning articles 1 to 15 of the Covenant. In addition, the Government of the Islamic Republic of Iran withdrew its earlier request for postponement of the consideration of its report, which was considered by the Committee, in the presence of that Government's representatives, at its 42nd, 43rd and 45th meetings held on 6, 7 and 10 December 1990.

54. In accordance with rule 62 of the rules of procedure of the Committee, representatives of all the reporting States were invited to participate in the meetings of the Committee when their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports. In accordance with a decision adopted by the Committee at its second session, 2/ the names and positions of the members of each State party's delegation are listed in annex V to the present report.

55. In accordance with rule 57 of its rules of procedure, the Committee includes in the report on its activities a summary of its consideration of the reports submitted by States parties to the Covenant. Accordingly, the following paragraphs, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the reports, contain summaries based on the records of the meetings at which the reports were considered. Fuller information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

Jordan (arts. 13-15)

56. The Committee considered the initial report of Jordan concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.38/Rev.1) at its 30th to 32nd meetings, held on 28 and 29 November 1990 (E/C.12/1990/SR.30-32).

57. The representative of the State party introduced the report and expressed regret about its late submission. Noting that he had only obtained a copy of the list of issues prepared by the pre-sessional working group of the Committee that very day, he requested the Committee to allow his Government to reply to the questions contained therein in writing. The representative underlined the efforts made in the last 20 years to promote the rights guaranteed by articles 13 to 15 of the Covenant, noting in particular that the number of universities had grown significantly. He also referred to the fact that his country suffered enormous losses because of the events in the Gulf.

General matters

58. Members of the Committee wished to have a brief description of the country, particularly in respect of the territory and population; its economic, social and cultural characteristics; the legal context for the protection of human rights; and the extent to which the declaration on human rights in Islamic countries, recently adopted by an expert committee of the member States of the Organization of the Islamic Conference, promoted the implementation of the economic, social and cultural rights proclaimed in the Covenant. Members also wished to know what publicity had been given to the Covenant and to the report submitted to the Committee; what was the legal standing of international treaties, particularly the Covenant, and what the

repercussions of the foreign debt were on the enjoyment of the rights recognized in the Covenant. Members of the Committee also asked whether there was a difference between private and public schools.

59. In his reply, the representative of the State party stated that the lack of financial resources in his country was a major problem; some schools were housed in rented accommodations, land was expensive and there were not enough recreational facilities or sports stadiums. The World Bank had provided a loan to finance school buildings and, in one particular case, a magnificent school had been built on a mountain top in the desert, attracting tribesmen to the area. A very serious recent problem in the country related to the 100,000 Jordanians who had returned home as a result of the crisis in the Gulf and who needed to find schools for their children.

60. He explained that private schools were gradually disappearing, because of the expansion of public education. Private schools for which fees were paid dispensed an education of higher quality; that being the case, parents were free to send their children to the schools of their choice and most Jordanians attended public schools.

Articles 13 and 14: right to education

61. Members of the Committee wished to know what had been the impact on the implementation of the educational policy, referred to in paragraph 8 of the report, of riots that had broken out in April 1989 in the south of the country against the economic measures introduced by the Government. Noting that pipeline transit dues had accounted for a sizeable proportion of the GNP of Jordan, they also wished to know how the Gulf crisis had affected the current situation of economic, social and cultural rights, particularly the right to education; what measures were envisaged to rectify the situation and to apply in full the overall training plan drawn up on the basis of the recommendations of the National Conference on the Development of Education; what percentage of the budget was allocated to education in Jordan; whether the provision of free compulsory education had not been jeopardized by the rise of economic problems and, if so, what measures had been taken to remedy the situation; in which languages primary education was imparted; and whether there was a plan to enable members of indigenous minorities to receive education in their mother tongue.

62. Members of the Committee also wished to know whether the Jordanian Constitution enabled Jordanian citizens and persons residing in the country to ensure that the right to equal opportunity in matters of education was implemented; whether special education programmes have been provided for the nomadic populations; whether students from the Gaza Strip and Palestinians in general could receive education at all levels and had equality of access with Jordanians; what opportunities there were for access to education and for the exercise of the right to education for vulnerable groups of the population who, due to racial or ethnic characteristics, handicaps or their socio-economic

situation did not generally have the same access to education as the rest of the population; it was also asked whether there was a Kurdish problem in Jordan. Members also wished to know the percentage of refugees who were receiving education; whether student councils and parents' and teachers' associations were involved in decision-making relating to the curricula and other educational activities. Concerning literacy, members of the Committee requested statistics about the percentage of illiterates in the various age groups, specifically in the light of paragraph 14 of the report, which noted that the objective to expand educational facilities for adults had been prevented by a lack of financial resources. Members of the Committee also wished to know how much study was given to foreign languages at secondary level.

63. Members of the Committee also wished to know what was being done to improve the material conditions of teaching staff; what was the percentage of children of school age enrolled at school; whether all textbooks were distributed free of charge; who was responsible for selecting textbooks and for deciding which books to subsidize; and what was the significance of the stipulation of article 3 (c) (i) of the provisional Act No. 27 of 1988 that "Jordanians are equal in regard to their rights and obligations ... . They are distinguished by the extent of their devotion and attachment to their society."

64. Concerning secondary education, members of the Committee noted that great efforts had been made in this respect and asked for more information about the percentage of pupils who went to a secondary or vocational school. They also wished to know how easy it was to obtain scholarships for secondary education; what criteria were applied in awarding such scholarships and what percentage of students received them.

65. Concerning higher education, members of the Committee wished to know whether university education was free of charge; what were the supplementary conditions of admission to universities referred to in paragraph 42 of the report and how far they limited access to higher education; whether students from the West Bank had equal access to study in Jordanian universities, despite the fact that legal and administrative links with the West Bank had been severed in 1988. Noting that only 3,978 places out of 10,395 available in universities were distributed according to the principle of equal access to all on the basis of capacity, members wondered whether, in fact, that principle was adhered to in practice. Members of the Committee also wished to know, in the light of the statement in paragraph 40 of the report that there had been a notable decline in the number of Jordanians receiving higher education outside the country, whether more students were now studying in the country.

66. In addition, members of the Committee wished to know which subjects enabled the holders of diplomas to have the title of medical doctor; what professional openings were available to those studying Islamic Law; and whether that subject could be covered in only three years.

67. The representative of the State party replied that the Jordanian Constitution guaranteed equality to everyone in all spheres and that, generally speaking, the normal functioning of society guaranteed access to education for everyone. The Government made teachers available to all villages that were willing to build a school. Obviously, the functioning of society changed when social changes occurred or when groups were disorganized, as in the case of the exodus of nomads towards the towns. In the nineteenth and early twentieth centuries, the bedouin tribes lived in the desert between Amman and Akaba. In the 1940s and 1950s, the Government started to take charge of their education, so as to settle them, and it had encouraged the building of schools along the motorway from Amman to Akaba. Twenty years ago, a long-term settlement programme was launched, which provided for the building of schools, the distribution of land and the drilling of wells. The army had been the first to take part in those efforts by recruiting bedouin, educating and training them. Today, the bedouin school system was an integral part of the national system. Many young bedouin were university graduates as, for example, the Minister of Health who had carried out advanced studies in the United States. Nowadays, it was difficult to distinguish between a bedouin and a farmer, apart perhaps from their accent. The infrastructure built in order to settle the bedouin had become small towns. Strengthened by its experience, Jordan was ready to help other countries in that field.

68. He stated that no distinction was made between Jordanians of Palestinian or Jordanian origin. Since 1948 UNRWA, which was in charge of Palestinian camps, had been successfully running schools at which Palestinians on the East Bank could receive education free of charge; most such students were now free to choose the school they wished to attend. In 1967 Jordan had opened its borders to Palestinian refugees from Gaza, who were not Jordanians in the eyes of the Constitution and the law and, since that time, other people had also moved from Gaza to Jordan, acquiring Jordanian nationality and special passports. The question of origin had never been raised in Jordanian schools.

69. Jordanian society did not have any particularly vulnerable groups. There were, however, disadvantaged groups in the social and economic spheres, particularly because of the economic crisis in the region, but not because of their race, ethnic or social origin or their religious beliefs. Further, there was no Jordanian race as such. He indicated that as of 1990 most Jordanians were Sunnite Muslims and there were also Orthodox Christians.

70. In the past, disabled persons had found it very difficult to receive an education and often the drawbacks due to an insufficient income had added to their disability. The representative noted that society had become aware of that problem over the last 10 or so years through the impetus given, *inter alia*, by influential families who had made it possible for schools to be set up and special teams to take charge of disabled persons and those who could not attend school.

71. Concerning equality between male and female students, the representative indicated that help had been received from industrialized countries to extend the educational system, especially to girls and, between 1950 and 1975, a balance had been attained between the numbers of male and female students. Women were now active in many spheres of life and the change had thus been cultural as well as educational.

72. The representative of the State party said that parents' and teachers' associations met regularly and took part in management decisions. Moreover, in villages where everyone knew each other, relations were easily built up among teachers, headmasters and parents. In the towns, where this kind of relationship might be more difficult to establish, the wishes of parents could be expressed in other ways, for instance, in newspapers or on television. Thus, there was a television programme in which individuals could formulate criticism about public service in general and, possibly, about educational services.

73. He stated that there was virtually no illiteracy problem among the male population. In addition to the Ministry of Education's programme on adult literacy mentioned in paragraph 14 of the report, there was another programme geared specifically to women and particularly successful in the villages, where women were reluctant to take instruction in the presence of members of the opposite sex.

74. The representative indicated that education was provided in Arabic, and English was taught as the second language to the exclusion of any other. At the university level, courses were also given in English, for instance in medicine or linguistic subjects. Because of the low salaries paid to teachers, highly qualified people were not attracted to the profession. Textbooks were provided free of charge to students at the beginning of the school year and returned at the end of that year and were replaced by the Government when necessary. The decisions concerning the textbooks to be published and school programmes were taken by the Ministerial Programming Committee, which was responsible to the Higher Educational Council; half of its members, sitting in a voluntary capacity, came from various walks of life (vice-chancellors of universities, doctors, members of banking institutions, women's organizations, workers' organizations, etc.). The Committee passed on guidelines to another committee, composed of retired educators and teachers, specialists in certain fields, writers and editors of reviews, who sat in a professional capacity, edited the textbooks and gave them a final form, following the guidelines by the Programming Committee. Each year the content of the textbooks was reviewed and the Programming Committee decided on the textbooks that would be published and distributed free of charge to pupils. It was assisted in its task by many committees of teachers specializing in the various disciplines and its decisions reflected the diversity of Jordanian society. Every three years a national conference on education was held, the last of which had been organized two years earlier. Representatives of the United Nations, UNESCO and foreign specialists attended the conference.

75. With regard to the question on article 3 (c) (i) of the provisional Act No. 27 of 1988, the Arabic original text was not very clear. His own interpretation was that it meant that all Jordanians were equal and that, if some were better than others, it was because they were even more devoted and attached to their society. Scholarships were granted to poor or disabled students. The Jordanian educational system did not provide for scholarships to be granted on the basis of academic results. The Government, however, granted scholarships to the 10 boys and 10 girls coming at the top in the general certificate of secondary education to enable them to study abroad.

76. There were no limitations on access to higher education, the system being an open one. Each university set its conditions of admission in the light of the number of candidates and its absorption capacity, applications from students and other secondary considerations which were not intended to restrict access to the university. The Higher Education Council, which was responsible to the Ministry of Higher Education and carried out co-ordination between the universities, decided each year on the diplomas which candidates desiring to enter a particular facility should possess. Candidates could apply to several establishments. The number of students was not limited by quotas, in the usual sense of the term. Each university could admit a certain number of students from Arab or foreign countries, but their number should not exceed 5 per cent of the total number of students enrolled. At present, most of those places were filled by students from Saudi Arabia, the United Arab Emirates, Oman or Qatar, as well as by Arab students whose families lived in Europe or the United States. Students could ask for help from the university counsellor or apply for financial assistance from cultural centres or Islamic groups. There were many other ways to help a young person to continue his studies. Furthermore, the Shariah specified that every rich Muslim must pay a certain amount of money every year for humanitarian causes, such as education. Those for whom places were reserved, such as armed forces veterans, had to attain the same grades as other students.

77. The representative of the State party stated that there were now enough universities in Jordan to enable the students to remain in the country. The cost of foreign education was extremely high and differences in culture and religious observance often discouraged parents from sending their children, especially their daughters, to study abroad. Further, for students wishing to continue their studies abroad, countries like Pakistan, the Syrian Arab Republic and the Soviet Union reserved places in their universities for a large number of Jordanian students. Special courses, including Arabic, were organized for Jordanians residing abroad.

78. He stated that after four years of university education, a student received a degree of bachelor of arts or science, accepted throughout the world. After two more years of study, he would acquire one or two additional degrees, giving the equivalent of a master's degree. A degree in Islamic Studies could be translated into a teaching post in the theological schools or into a judgeship in a civil or family court.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

79. Members of the Committee wished to know what measures had been taken to guarantee the exercise of the right of everyone to participate in the cultural life of his choosing and to enjoy his own culture; what resources were devoted to cultural development and the participation of all in cultural life; what measures had been taken to help ethnic groups, minorities and indigenous populations to become aware of their cultural heritage and to draw on it; what role did the information and communications media play in encouraging participation in cultural life; what was the overall policy and what specific measures had been taken for the protection and preservation of the cultural heritage of mankind; what legislation protected the freedom of artistic creation and production, including the freedom to disseminate the results of those activities and restrictions that may be imposed on that freedom; and what measures had been taken to guarantee the exercise of the right of everyone, particularly in the most disadvantaged sectors of the country, to enjoy the benefits of scientific progress and its application.

80. Members of the Committee, noting that the publication of books was subsidized by the Ministry of Culture, wondered what criteria were applied to their selection. They also wished to know if any television material was locally produced or whether it was all imported; what role satellite and cable television played; and what was done to protect local culture from being overwhelmed by television transmission.

81. In reply, the representative of the State party indicated that Jordan had concluded 51 cultural agreements with other States, relating to such matters as the importation of books and television programmes. The practice of subsidizing the publication of books in Jordan was due to the fact that many Jordanian writers wanted their works to be published in their own country. Books were chosen for publication by a committee whose members volunteered for the task and competitions were held to aid in the selection of works. No governmental influence or propaganda was reflected in the books published under the programme. University professors also submitted books for publication through the Ministry of Education. The experience of retired and elderly persons was taken into account in the preparation of school textbooks.

82. Television was introduced in Jordan in 1968 with the technical assistance of a German company. At the end of the 1960s and during the 1970s many Jordanians of both sexes were sent to Germany, the United Kingdom and other countries for training and the national television network received assistance from the Egyptians, who were more advanced in that field. For 10 years, the television service had been staffed by Jordanians. Jordanian television had become a training centre for Arab countries and Jordanian producers, actors and sound engineers went to work in the Gulf States. The programmes were divided into three categories: (a) Jordanian programmes, including the television news, produced entirely by Jordanians and broadcast mainly in

Arabic, three to four times a day; (b) programmes produced by Arab countries; (c) programmes from other countries. The United Nations, UNESCO in particular, had aided in developing expertise in the area of communications. Cable television was not available, but satellite links enabled citizens to view events broadcast from all parts of the world. Jordan was a multicultural and open society with a sophisticated television audience and had no cause to fear the effect of television programmes from other countries. Television was also being used in education, although more intensive efforts could be made in that area.

83. The representative of the State party indicated that considerable assistance in establishing libraries and laboratories had been received from European countries, particularly Germany, as well as from the United States.

Concluding observations

84. The Committee noted with regret that the delegation had not been able to provide answers to the issues raised in the list of questions prepared by the pre-sessional working group. Whatever the reasons for this inability, and in this case it was due to the non-receipt of the list which had been sent to the Permanent Mission, the Committee observed that the list of questions constituted the basis on which the dialogue between the State party and the Committee takes place.

85. The Committee expressed its appreciation to the Jordanian delegation for the responses that had been provided to the questions posed orally by members. They noted that significant advances had taken place in the field of education in Jordan since independence and expressed concern at the consequences of the present crisis in the Gulf for the effective realization of economic, social and cultural rights. Although information on the school population was provided in detail, there was no indication of the percentage of children of school age who were currently enrolled. Members noted with satisfaction the efforts being made to integrate Palestinians and refugees within the educational framework in spite of the difficult situation in the occupied territories and exhorted the Jordanian authorities to intensify their efforts so that all disadvantaged groups will fully enjoy the right to education. With respect to the written report, it was noted that the simple listing of constitutional principles and the description of national education policy, which formed the substance of the report, did not suffice to give the Committee an adequate sense of education in the country.

86. The Committee also noted that, in the absence of responses to the questions posed in writing, it was not in a position to reach a conclusion as to the extent to which articles 13 to 15 had been implemented by the State party. In this respect, the Committee noted with satisfaction the commitment made by the representative of the State party to provide it as soon as possible with the answers to the list of questions prepared by the pre-sessional working group as well as other answers to questions put orally to the Jordanian delegation.

Luxembourg (arts. 1-15)

87. The Committee considered the initial report of Luxembourg concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.1) at its 33rd to 36th meetings held on 29 and 30 November and 3 December 1990 (E/C.12/1990/SR.33 to 36).

88. The representative of the State party introduced the report and explained that his Government had ratified the International Covenants on Human Rights and the Optional Protocol in 1983, after having determined that those international instruments were compatible with the European instruments to which Luxembourg had previously acceded, and after having taken the necessary measures to guarantee the exercise within the territory of Luxembourg of the rights established by the Covenants.

General matters

89. As regards the general framework in which the Covenant was being implemented, members of the Committee requested information on the land and people of Luxembourg; its general political structure; its economic, social and cultural characteristics; and the general legal framework within which human rights were protected. They further asked what information and publicity was given to the Covenant and the report of Luxembourg and what the legal status was of international treaties, particularly of the Covenant. Information was also requested on the demographic distribution of the migrant population of Luxembourg.

90. Noting that individuals could invoke EEC legislation before the courts in Luxembourg, but could not do the same with the Covenant, members of the Committee asked why the Covenant's applicability in Luxembourg's judicial system was subjected to such a restrictive interpretation; whether there had been public discussion relating to the preparation of the report; whether trade unions and other institutions had taken part in it; and whether the report had been widely disseminated. It was observed that the report made no mention of how the provisions of the Covenant were implemented in practice and it was asked whether Luxembourg had encountered any problems in this regard and whether it had adapted or intended to adapt its legislation in order to meet the requirements of the provisions of article 2 of the Covenant.

91. The representative of the State party emphasized that the principal human rights and fundamental freedoms were directly incorporated in his country's Constitution. He went on to describe the Grand Duchy and its demographic, linguistic, administrative and political structures. He drew attention to the fact that foreigners represented 27.5 per cent of the population of Luxembourg and that the independence of the three powers - legislative, executive and judicial - was exercised in a context of a representative democracy in the form of a constitutional monarchy.

92. He also provided detailed information on the economic, social and cultural characteristics of his country which made possible both the expansion of the productive sector and an equitable distribution of the national product. He pointed out that while Luxembourg had a negative balance in its foreign trade, the deficit was largely offset by the favourable balance of trade in services. Moreover, social progress had been achieved through the establishment of new public services and public employment. At the same time, the number of non-wage-earning members of the working population had slowly but steadily decreased. The expansion of wage-earning employment was due to the increase in the number of cross-frontier workers, to the increasing amount of part-time work and to the growth of female employment. The unemployment rate was currently 1.4 per cent. The remuneration of workers, particularly wages, were rising steadily and the minimum social wage had been increased by 3.5 per cent.

93. The representative furnished information on the increasing funds which the Government of Luxembourg had allocated to the Ministry of Cultural Affairs, especially for maintenance of the cultural infrastructure and for the dissemination of culture and science. He also referred to the measures taken to preserve the culture of the Portuguese and Italian linguistic minorities and to his country's legislation designed to protect the moral and material interests resulting from any scientific, literary or artistic output. He then referred to a number of international conventions on industrial property and on scientific and cultural co-operation to which Luxembourg was a party.

94. He stated that most of the rights recognized in the International Covenant on Economic, Social and Cultural Rights were incorporated in the Constitution of Luxembourg. The Covenant had been reproduced in the *Journal officiel* and, pursuant to the Constitution, had become an integral part of the internal law. However, it was clear from the Covenant's purpose and objectives that its provisions were not directly applicable in the internal juridical order and the authorities of Luxembourg had emphasized, upon approving the Covenant, that that instrument contained no provision which could be directly invoked by individuals and that it committed only the contracting parties.

95. The representative pointed out that the migrant population of Luxembourg constituted 27.5 per cent of the total population and was composed mainly of Portuguese, Italians, French, Belgians and Germans. He also stated that his Government's report had been prepared on the basis of the information furnished by the ministries concerned, without consultation of other bodies.

Article 6: Right to work

96. Members of the Committee wished to know how "unemployment" was defined in Luxembourg and whether it comprised people looking for part-time work of 20 hours per week or less; what steps Luxembourg had taken to create jobs for less qualified employees; how Luxembourg had coped with the unemployment problems generated by the crisis in the steel industry; what had been done to

reduce the unemployment of young people and whether there were any specific training programmes to increase their chances in the labour market. They also asked what had been done to reduce unemployment among women; whether there were increased opportunities for part-time employment and whether there were any steps taken to increase the employment of disabled persons.

97. Furthermore, information was requested on the evolution of employment and unemployment in Luxembourg since 1988, when the report had been prepared, and additional information was requested on the legislation governing protection against dismissal.

98. The representative of the State party said that unemployment was defined in Luxembourg as the fact of not having work for reasons beyond one's control. In that connection, he furnished details of the legislation on unemployment that applied since June 1987 to workers who had lost regular employment which they had held on a full-time or part-time basis. He added that Luxembourg had not created jobs for unskilled persons, but sought rather to improve the vocational training of such persons. A modernization and rationalization programme had been introduced to deal with the crisis in the iron and steel industry and legislative measures had been taken to maintain employment, to employ surplus labour in special work projects of public benefit, to retrain iron and steel workers for work in other sectors and to establish an expanded system of early retirement. Under a Grand Ducal regulation of 1978, vocational training, readaptation and general education courses had been organized for young unemployed persons and workers whose employment was threatened. The female unemployment rate in Luxembourg was no higher than the male rate. Nevertheless, a bill to deal with the problem of female unemployment was currently in preparation. Furthermore, a placement and rehabilitation office dealt with the question of the occupational and social reintegration of disabled persons. Since 1988 the unemployment rate showed a declining trend. Improper dismissal from employment had been defined in Luxembourg law by the Act of 24 May 1989, which also provided for remedies.

Article 7: Right to just and favourable conditions of work

99. Members of the Committee wished to know how the minimum wage was determined in Luxembourg; how the decline in real wages in industry was explained; and whether wage increases were regulated only by law or were also subject to collective bargaining.

100. In addition they wished to receive comparative figures for migrant workers from the EEC and from non-Community countries in Luxembourg and asked whether working conditions and social security provisions differed for the two groups. They further asked how real wages paid by enterprises were taken into account in determining the guaranteed minimum income and requested details concerning measures taken to adjust remuneration to variations in the index published by the Government.

101. In his reply, the representative of the State party referred to the Act of 12 March 1973 on the reform of the minimum social wage, which was mentioned in his Government's report, and to the Act of 12 June 1965 on collective labour agreements, which laid down the requirements for pay increases. He said that the system of automatic adaptation of the minimum wage according to movements of the cost-of-living index made a reduction of the real value of wages virtually impossible.

102. Referring to the treatment of foreign workers in matters of social security, the representative said that the social legislation of Luxembourg established the principle of equality among all wage-earners without distinction. Nevertheless, under the provisions of the Treaty of Rome, nationals of States members of the EEC were fully assimilated to Luxembourg workers, whereas nationals of other countries were covered by relevant bilateral or multilateral conventions. He gave some particulars of the system of responsibility for payment of wages where leave was granted for educational purposes in the private and public sectors.

103. The minimum wage was the same for everyone and was not determined according to the profitability of the employing enterprise. Pay was indexed to the cost of living both in the public sector and in the private sector.

Article 8: Trade union rights

104. Members of the Committee asked what was the definition of a "legitimate and lawful strike"; what were the lawful reasons for a strike; whether public servants had the right to strike, and if so, under what limitations; and what the function of the National Conciliation Office was.

105. They also wished to know whether law or practice required a strike ballot before the right to strike could be exercised; whether persons going on strike before the conciliation procedures had been exhausted could be sent to prison; what sort of system existed to determine which unions were most representative; and what was the percentage of union membership among workers in Luxembourg. It was noted that Luxembourg had ratified ILO Conventions 98 of 1949 and 151 of 1978 concerning, *inter alia*, collective bargaining in the public sector and information was requested on the application of those Conventions and on the collective bargaining machinery existing in Luxembourg to deal with that sector. It was also asked who decided whether the conciliation procedures had been exhausted and whether there was any time-limit within which that decision had to be taken.

106. The representative of the State party explained that, in the event of a collective labour dispute, a compulsory conciliation procedure was initiated by the National Conciliation Office composed of representatives of the Ministry of Labour, employers' organizations and trade union organizations. At the conclusion of the negotiations, the National Conciliation Office submitted to the parties concerned a proposal which could lead to the conclusion of a new collective agreement or, in the event of rejection

of the proposal, to arbitration. Under Luxembourg law, legitimate grounds for a strike could be of an occupational nature only. Public sector workers enjoyed the right to strike, with the exception of certain categories, such as heads of departments, members of the judiciary, medical personnel of the custodial services, etc. Personal requisition orders were provided for in the legislation regulating the right to strike in the public service. Criminal or disciplinary penalties and fines were also provided for in the case of non-observance of this legislation.

107. He explained that strikes were fairly rare in Luxembourg and were called only after a ballot by the trade union members concerned. Participants in unlawful strikes were liable to disciplinary penalties, but not to imprisonment. Under Luxembourg law, a strike was considered lawful if there were legitimate grounds for it, if it had been preceded by negotiation between the employers and the trade union organizations and that negotiation had failed, and if conciliation and arbitration procedures had also failed. The representativeness of a trade union was defined by the Act of 12 June 1965.

Article 9: Right to social security

108. Members of the Committee wished to know how Luxembourg's old-age pension scheme dealt with the problem of divorce, in particular the splitting of pension claims in cases where one spouse had not acquired a prior claim on a pension; whether long-term unemployed women and other groups with difficult access to the labour market were disadvantaged by any rules requiring a minimum time of insurance; whether there were any social security benefits which were not available to foreigners and, if so, which ones; and what the reasons were for excluding non-citizens. It was also asked whether pensioners in Luxembourg were as able to meet basic needs as were wage-earners.

109. The representative of the State party said that Luxembourg's current social security legislation established the right of a divorced spouse to receive a survivor's pension on the basis of the principle of equal treatment for men and women. Such survivors' pensions amounted to a proportion of the normal survivor's pension. The legislation of Luxembourg did not provide for a division of the pension entitlements where one of the divorced spouses had not acquired a claim on an old-age pension prior to the divorce. He also pointed out that persons who were no longer entitled to an unemployment benefit received a guaranteed minimum income that was payable only to persons who had paid their unemployment insurance contributions. He also referred to the measures taken in Luxembourg to facilitate the reintegration into employment of wage-earning mothers who had ceased working in order to care for their children.

110. With regard to social security benefits, foreigners were entitled to equality of treatment without exception, on condition that they exercised an occupation or profession or had a contract of employment. There was a link, in Luxembourg, between the amount of the retirement pension and the amount of the salary or wage.

Article 10: Protection of the family, mothers and children

111. Members of the Committee asked whether maternity payments were independent of the income of the mother (or father) of the child; who paid the wages/salaries during maternity leaves, whether it was the employer or the State; whether there were any programmes for mothers who wished to take leave of absence for two to three years to raise their child; whether their jobs were guaranteed or whether the re-entry to employment was supported in some other way and what the situation of these women was in the social security system.

112. It was also asked whether the law provided for paternity leave, whether family allowances were adequate to cover the cost of bringing up a child and whether consumer assistance was available to the unemployed and to retired people. In addition, statistical information was requested on marriage and divorce rates and the percentage of natural children as compared with children born in wedlock. Information was also requested on the treatment of juvenile delinquents.

113. The representative of the State party provided information on maternity allowance which had been introduced in Luxembourg in 1973. Maternity payments were made by the health insurance scheme and later reimbursed by the State. They were not independent of the mother's income. The maternity allowance covered a period up to 12 weeks and was payable to any pregnant woman or any woman who gave birth in Luxembourg provided they had lived there for a year before the birth of her child. With regard to programmes for mothers wishing to take leave of absence to raise their child, the representative referred to the information provided under article 9 of the Covenant.

114. He said that under Luxembourg law a person recognized as an illegitimate child by one of its parents was treated in the same way as a legitimate child as far as social security was concerned, the child being simply regarded as a dependant. The falling birth rate had been the reason for the fairly frequent modifications of the family allowances, which had been considerably extended over the years. The divorce rate in Luxembourg had risen considerably. In 1989, 40 per cent of marriages had ended in divorce.

Article 11: Right to an adequate standard of living

115. Members of the Committee requested a description in more detail of the system of rent control in Luxembourg. They asked, in particular, whether in case of heavy increases in the capital value of buildings the rent ceiling rose accordingly, and whether there were any homeless people in Luxembourg. In addition, more information was requested about the adequacy of the guaranteed minimum income for a single person's standard of living. It was also asked whether any bench-marks had been established for the quality of housing in Luxembourg and whether there were any statistics indicating the extent to which the available housing did not measure up to such bench-marks.

116. The representative of the State party stated that low-cost housing was scarce in Luxembourg and that the Government had taken steps to promote home ownership and to provide housing for the least advantaged sectors of the population. Under an Act of 1955, amended in 1987, rent control committees had been established. Housing subsidies were available for families with an income below a certain level and interest subsidies could be granted to persons who borrowed to build or buy a dwelling under certain conditions. In Luxembourg, there were no homeless people, however, the authorities had occasionally discovered that clandestine migrant workers occupied dwellings which did not meet minimum standards.

Article 12: Right to physical and mental health

117. Members of the Committee asked how the medical insurance system coped with the problem of extreme increases in medical costs and whether the health care facilities available in Luxembourg were considered adequate. Information was also requested on measures taken in Luxembourg to ensure the human rights of individuals affected by AIDS; to reduce alcohol consumption; and to combat cardiovascular diseases. It was also asked whether the bill on occupational medicine referred to in paragraph 62 of the report had already been adopted; what preventive measures were taken against endemic and epidemic diseases; and what were the proportions of public and private medicine in the health sector.

118. The representative of Luxembourg stated that in his country the medical insurance branch of the social security service was in chronic difficulty. Various cost-cutting measures had been adopted. However, those measures had not succeeded in reducing the cost of health services. Doctors tended to over-prescribe and Luxembourg was in the process of introducing measures under which the frequency of prescription of various medicines was monitored. Those measures were intended solely to promote therapeutic discretion. In 1991, insurance contributions from citizens would be increased to overcome the large deficit in insurance revenues of the State. Ample facilities were already available for health care, particularly for elderly persons.

119. He also referred to various measures which had been considered in Luxembourg in order to overcome a certain backwardness in the area of preventive medicine. The medical insurance schemes had suggested the introduction of a special tax on tobacco and alcohol, but the idea had been rejected. He also referred to social projects envisaged by the Government which aimed, *inter alia*, to provide greater protection for elderly persons and disabled workers.

Articles 13 and 14: Right to education

120. Members of the Committee wished to know how children of migrant workers were integrated in the Luxembourg educational system and what provision was made for the preservation of the cultural and language differences of immigrant children and the children of migrant workers. They noted that

public expenditure on education in Luxembourg represented 2.6 per cent of GNP in 1984, down from 6.0 per cent in 1980-1982 and they asked what the reasons were for targeting the funding of education with such severe budget cuts during the recent austerity measures. In addition, information was requested regarding the number of Luxembourg citizens attending university or receiving post-graduate education outside the country and concerning special schools for the disabled.

121. It was also asked what was being done in Luxembourg to ensure that secondary and higher education was gradually made free of charge; who was responsible for providing in-school instruction on religious or secular ethics; whether any decision had been taken as a result of the debate on religious education in the schools; what measures had been taken to help adult refugees and migrant workers who had not received any basic education in their own countries; and what influence Luxembourg's geographical position and demographic situation had on its culture and environment. More information was requested on the number of private schools, in particular religious schools; the drop-out rate in compulsory education; and the proportion of the national budget allocated to education at present.

122. The representative of the State party said that approximately one third of the children enrolled in primary schools in Luxembourg were aliens, mainly from Portugal. The children of migrant workers usually attended the same schools as Luxembourg children. The Government and the local authorities had taken measures to try to resolve the difficulties encountered by the children of migrant workers in primary school, where instruction was given in three languages (Luxembourgeois, French and German).

123. The representative said that the reduction of the education budget was attributable to the decline in special service allowances; to the suspension of the mechanism linking salaries to the cost-of-living index; and to a reduction of the funds allocated for educational establishments and for the purchase of teaching materials. Some 2,500 Luxembourg students were currently pursuing university studies abroad. A special education system had been introduced in Luxembourg which also benefited disabled children. Its cost was borne by the State.

124. The representative said that public education was free of charge in Luxembourg and assistance, as well as State scholarships, were provided for students who had to pursue university studies abroad. The private schools were almost all Catholic. Relations between the State and the educational establishments were governed by the Acts of 1912 and 1982. The representative also provided detailed information on the composition of the school population, which included a large number of foreign children. No specialized system of education was planned in Luxembourg for adult refugees or migrants.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

125. Members of the Committee noted that the report did not deal with the rights enshrined in article 15 of the Covenant. They, therefore, asked whether this omission was deliberate, and, if so, how Luxembourg judged this omission in the light of its reporting obligations under the Covenant.

126. With regard to the lack of information in the report on certain points relating to the implementation of the Covenant, the representative of the State party said that further written information would be sent to the Committee. This would deal, in particular, with the questions of religious instruction in schools, the influence of foreigners residing in Luxembourg on the country's culture and the implementation of ILO Conventions Nos. 98 of 1949 and 151 of 1978.

Concluding observations

127. The Committee was of the view that the report submitted by Luxembourg was too short, insufficiently informative and excessively concerned with legislative provisions at the expense of practical information as to the extent of enjoyment of economic, social and cultural rights. This was particularly problematic in the context of an initial report. It was noted that article 15 of the Covenant was not dealt with at all in the report.

128. Nevertheless the Committee observed that the detailed and well-documented oral replies given by the delegation of Luxembourg had largely filled the gaps in the report itself. It was noted that the situation of economic, social and cultural rights in Luxembourg appeared to be generally satisfactory and the Committee welcomed the fact that the representative had undertaken to submit information in January 1991 to reply to questions which had remained unanswered.

129. However, the constitutional status of economic, social and cultural rights in Luxembourg gave rise to considerable debate. In particular the fact that the Covenant, virtually alone among applicable international human rights treaties, was considered to be non-self-executing in its totality was questioned. It was observed that, by contrast to this approach, the Covenant contained a number of provisions which the great majority of observers would consider to be self-executing. These included for example, provisions dealing with non-discrimination, the right to strike and the right to free primary education. In that connection, a view was expressed that a theory according to which every State should have its own system of interpretation of the international treaties would lead to chaos and would destroy the very essence of international law.

Ecuador (arts. 10-12 and 13-15)

130. The Committee considered the initial reports of Ecuador concerning the rights covered by articles 10 to 12 (E/1986/3/Add.14) and 13 to 15 (E/1988/5/Add.7) of the Covenant at its 37th to 39th and 42nd meetings, held from 4 to 6 December 1990 (E/C.12/1990/SR.37-39 and 42).

131. The representative of the State party introduced the reports, and drew attention to the fact that Ecuador was the most densely populated country in South America and had one of the most intensive internal migrations in the developing world, resulting from problems in rural areas related to the structure of agriculture. Economic growth, resulting from factors including the external debt problem, a trade imbalance, a drop in oil prices and decreased earnings from exports of cocoa, rice and bananas, had declined. Through a process of regional integration and trade liberalization, the Andean Group was co-operating on problems in the field of education, health and migration. UNDP, UNICEF and UNESCO had also provided valuable help. At a recent Latin American conference held in Quito a plan of action to combat poverty had been drawn up. More than 50 per cent of the population of Ecuador lived below the poverty-line. Full economic development could only be attained if the gap between North and South and between the various segments of society was eliminated.

General matters

132. As regards the general framework in which the Covenant was being implemented, members requested information about the amount and percentage that international co-operation constituted within the GNP; what limitations were imposed on the exercise of the rights established in articles 10 to 12 and the reasons therefore and whether violations of these rights had occurred; what programmes were being carried out for the promotion of the rights recognized in the Covenant using ODA or international co-operation; how aliens were guaranteed protection of the rights covered by articles 10 to 13 and how the indigenous population benefited from the rights established in articles 10 to 15.

133. The representative of ILO informed the Committee of the relevant ILO conventions that had been ratified by Ecuador as well as of the relevant conclusions and recommendations of the Committee of Experts on the Application of Conventions and Recommendations.

134. Members of the Committee also wished to know whether the Covenant was directly applicable and whether individuals could initiate legal proceedings to obtain the application of constitutional guarantees; what was the percentage of the indigenous population in Ecuador; what criteria were applied in determining whether a person belonged to an indigenous group; what the Government policy was with regard to the use of different indigenous languages; what measures had been taken to consult with the local populations; what internal mechanisms were designed to make use of ODA and international

co-operation, and what was the development of the rate of inflation in recent years; with regard to the internal peace of the country, information was requested regarding the movement "Alfaro Vive Carajo".

135. In reply, the representative of the State party, drawing attention to the current reverse transfer of resources, the general instability of all commodity prices and rising inflation, said that it was impossible to regard international co-operation as constituting a substantial element of the GNP. At best, such co-operation had amounted to 0.5 per cent and at worst to 0.3 per cent of GNP and the development investment rate was now at 12 per cent. With regard to the protection of the rights of aliens, he said that Ecuadorian legislation did not discriminate between aliens and Ecuadorians. He said that although the problems of the indigenous people, who comprised 30 per cent of the Ecuadorian population, still persisted, there had been a change of attitude and their rights were now recognized. The President had set up a Commission of Indigenous Affairs which met weekly with indigenous organizations. Considerable resources had been allotted in rural areas to infrastructure, irrigation systems and flood control works, electrification, and the provision of drinking water. With regard to education, he drew the attention to the introduction of bilingual cultural programmes. The coverage of the social security system was also being constantly extended. Education and popular participation were essential in order to achieve integrated rural development. Responding to the question concerning the exercise and violations of the rights in articles 10 to 12 of the Covenant, the representative noted that current social conditions were such as to impose all sorts of limitations on human rights, particularly those of women and children, and that it was impossible to solve social problems through legislation. There was a need for improvement in the transfer of resources, as well as a need for a shift in emphasis from the mechanisms of the free market to a long-term economic strategy.

136. In reply to other questions, the representative explained that inflation was due mainly to the flow of petrodollars, which was causing financial instability, and to several natural disasters. A high rate of inflation was avoided through a resolute structural adjustment policy. However, the current policy of trade liberalization and the closing down of unprofitable industries had serious social consequences, such as increased unemployment and crime rates. With regard to the indigenous population, out of a total population of about 10 million inhabitants, about 1 million belonged to indigenous groups; the Government followed a policy of avoiding any discrimination but some discrimination did persist and efforts were being made to eliminate it. The focal point for co-ordinating international assistance was the Committee for the Co-ordination of International Assistance.

Article 10: Protection of the family, mothers and children

137. Members of the Committee wished to know what was the percentage of the population protected by social security, both by age and sex, as well as the percentage of pregnant women receiving assistance through the social security

scheme and from the Ministry of Public Health. It was also asked what measures of family protection were available, apart from cash benefits for pregnant women and allowances for minors. Members also wished to know how it was ensured that the benefits of mother and child care reached women working in the informal sector of the economy as well as women living in indigenous communities; what working regulations applied to domestic service and how they differ from the general régime; what laws and regulations governed abortion; what was the percentage of working minors below the minimum legal age; what special measures had been taken to reduce the number of abandoned children and to protect minors from economic exploitation and ill-treatment; what penalties were imposed for violations of the provisions relating to the working conditions of women and minors; what special measures were taken for the care and education of handicapped children and juvenile delinquents; how serious was the problem of juvenile drug addiction; and whether Government programmes existed for the care of juvenile drug addicts. Members also requested statistical data concerning working children and teenagers and the type of work they did.

138. In addition, members of the Committee asked what courts existed for minors; whether divorce by mutual consent existed; what conditions governed the invalidity of marriages; what was the rate of divorce as compared to the number of marriages and what trends could be discerned in that field; what rules applied to the exercise of parental authority in case of divorce; whether birth control was encouraged or forbidden by civil and religious authorities; what kinds of contraceptives were available; whether the Ecuadorian Government was considering the authorization of abortions in the case of a risk of congential birth defects; how many children were born without the help of a doctor or a midwife, how the exceptions to the prohibition of abortion could be reconciled with the rights of the child as laid down in the Ecuadorian Constitution as well as in several international instruments; what percentage of the expenses of a family with two or three children were covered by the minimum salary of $50; whether it was planned to adopt legislation on maternity leave that was in accordance with international standards; what was the length of the maternity leave period and whether fathers could also benefit from such leave; whether civil servants enjoyed a special social security régime; what measures were taken to remedy the problem of abandoned children and minors; whether juvenile delinquents belonged to a particular ethnic or social group; what was the number of homeless persons; and whether information campaigns had been initiated in the context of family planning.

139. In reply, the representative of the State party recalled that a recent study by ECLAC on poverty in Ecuador had remarked that social statistics were generally absent. This situation was being improved and work was proceeding on a population and housing census. In 1980, 21 per cent of the economically active population had had social security coverage, in 1989 that figure had been 22 per cent and it was estimated that the figure for 1990 would be 22.3 per cent. Measures to protect the family included action to provide

school meals in primary schools and setting up day nurseries to facilitate the entry of women into the labour market. With respect to post-natal and ante-natal care for women, the representative stressed that a great disparity existed in the availability of services as between urban and rural areas. Approximately half of the female population did not receive such services and as a result the infant mortality was high. Frequently, the indigenous population, did not go to the local hospitals because they were not informed of what services they offered. A special chapter in the Labour Code defined domestic service and contained regulations on modalities and remuneration. Abortion, with some exceptions, was a criminal offence in Ecuador but clandestine abortions which led to an increase in mortality rates, were frequent. No statistics on the employment of minors were available but it was clear, notwithstanding legislation that prohibited minors from working, that in reality children did work. Universal primary education was the key measure to protect minors from economic exploitation and ill-treatment and had helped to lower the number of children who worked, particularly in rural areas. Sports facilities and creative facilities were provided for handicapped children and juvenile delinquents but the problem of juvenile delinquency was increasing with urbanization. Juvenile drug addiction was being tackled by an information campaign in the schools and by medical help for juvenile drug addicts.

140. Replying to a query regarding special courts for juveniles, the representative explained that such courts could be found in all major cities and that judges on such court placed emphasis on social rehabilitation. The problem of abandoned children was extremely serious and traffic in such children for international adoption existed. Consequently, there was a need to improve legislation in that area. Divorce had long been legalized in Ecuador. Health centres currently offered family planning services and contraceptives were available in pharmacies and in medical distribution centres. Under article 61 of the Civil Code a judge could take steps ex officio to protect the life of an unborn child if he considered it to be in danger. No proposals had been made to allow abortion on the grounds of a child's deformity. On maternity and paternity leave, he said that while fathers had perhaps been overlooked, social attitudes would probably not support any changes in the Labour Code for the time being.

Article 11: Right to an adequate standard of living

141. Members of the Committee asked for a description as well as the results of food agreements concluded with international organizations and wished to know what percentage of the population benefited from national food programmes. Information was also sought on existing programmes and measures to control the population explosion and to guarantee adequate nutrition as well as information on legislation on communal and co-operative production and on credit facilities and technical assistance for peasants. They also wished to know what was the amount in dollars of the minimum living wage; what housing programmes were available for the poorer sectors; whether loans were

available for the purchase of materials to enable people to build their own homes; whether there were any legal guarantees for the protection of tenants; and what percentage of the population lacked essential services such as drinking water, drainage and electricity.

142. Members of the Committee also wished to know what measures had been adopted at the national, regional and municipal levels to overcome the problems of housing, especially of marginal groups; whether persons wishing to buy a home could benefit from special credit facilities; and whether tenants could be expelled from their homes and, if so, how often this occurred and what possibilities for legal remedies existed.

143. In reply, the representative of the State party said that despite efforts such as the provision of school meals, malnutrition was still rife. As a result of the Government's population policy there had been a considerable drop in the birth rate. Co-operative efforts enabled Ecuador to regain its leading position as a banana exporter and there were many agricultural credit and technical assistance schemes under Ecuador's system of integrated rural development. The minimum wage in Ecuador had been halved as a result of inflation, and now stood at $50 a month but very few people actually earned that amount. The growth of suburbs and slums composed of makeshift dwellings had resulted in serious health problems. The housing shortage in 1989 had been estimated at 572,000 units in urban areas and 468,000 units in rural areas. Safeguards for tenants included rules establishing rent ceilings and relating to the termination of leases. An average of 60 per cent of urban areas were now provided with drinking water and drainage. The electrification programmes had brought electricity to large portions of both urban and rural areas through small plants and innovative designs.

144. In reply to other questions, the representative said that the process of agricultural reform was being constantly reviewed in order to improve the living conditions of the peasants and to develop the countryside. The housing situation in suburban areas was far from satisfactory and public services there were inadequate. New construction was made difficult because tenants could normally not be evicted, unless they did not comply with the terms of the lease or systematically failed to pay the rent. Credits were only provided to those who were solvent. A large proportion of the population were therefore unable to obtain credit.

Article 12: Right to physical and mental health

145. Members of the Committee wished to know what percentage of the population received medical attention through the social security scheme and from the Ministry of Public Health; what was the number of medical centres in urban and rural areas; what initiatives and activities had been undertaken by the National Institute for the Child and the Family in the areas of health protection; what percentage of undernourished children received supplementary food; what was the life expectancy of Ecuadorians and how had these levels

changed in recent years; what steps had been taken for the treatment and rehabilitation of drug addicts; what was the Government policy to facilitate the purchase of medicines for the underprivileged sectors; what ecological problems had been encountered by Ecuador; what measures had been taken to limit the effects of the deterioration of the environment; what actions were undertaken in the area of pollution control together with the countries of the Andean Group and what changes were reflected in the priority plans and programmes mentioned in the annex to the initial report on articles 10 to 12 of the Covenant.

146. In addition, members of the Committee wished to know how the rate of inflation had developed in recent years. Noting that 70 per cent of urban and rural housing was deemed inadequate and that the right to housing was guaranteed in the Constitution, they also asked what policies had been adopted to improve this situation.

147. In addition, members of the Committee wished to know whether traditional forms of medical care, through faith healers and clairvoyants, were allowed; what criteria were applied in determining who belonged to a high risk group mentioned in paragraph 110 of the report on articles 10 to 12; what was the scope of the problem of AIDS and what measures had been taken to arrest the spread of that disease; whether the Government had adopted measures to inform the population of the existence of health care centres; what was the geographical distribution of hospitals and health care centres, both in the public and private sector; and whether there was a system obliging doctors to work for a certain period in rural areas. Finally, members asked for information about the causes of infant mortality and action taken to combat childhood diseases.

148. The representative of WHO provided the Committee with statistical information on world standards for infant mortality. In reply to other questions, the representative of the State party said that medical coverage through the social security scheme affected only 2 out of 10 people. However, so many health centres had been established in recent years that some hospitals and clinics appeared to be underutilized. The number of school breakfasts was not sufficient to meet requirements. Life expectancy had risen thanks to preventive and therapeutic medical techniques and mass immunization campaigns, and such measures were now needed to address the problems of the older population groups. The encroachment of human populations and the establishment of major industrial projects were leading to problems of soil degradation and erosion.

149. Replying to other questions, the representative said that improved information activities by the media concerning health facilities had reduced the latter's limited utilization. Public and private sectors of the health care system were co-ordinated. There were a number of suburban areas where health service coverage was inadequate because physicians and other medical

personnel preferred to live in large cities. In 1988-1989, approximately 361 community health care centres had been established in various marginal areas of the country. The level of AIDS infection was still low; the Government was using the media to disseminate information about the disease and to recommend the use of condoms, although there was considerable prejudice against that practice. High-risk groups included people most affected by underdevelopment.

Articles 13 and 14: Right to education

150. Members of the Committee wished to know what was the illiteracy rate among adults; what was the rate of enrolment in primary schools in urban and rural areas and its percentage relative to the population; what percentage of children completed sixth grade and what was the drop-out rate at other levels of education; whether textbooks for primary education were subsidized; and what measures had been taken to remedy the lack of schools in marginal urban areas. An explanation was also sought of such programmes as the expansion of primary level education, remedial primary education and inter-cultural bilingual education and of the proportion of the population that benefited from them. Members also wished to know what was the salary, in United States dollars, of a primary schoolteacher in the public sector and its relationship to the minimum living wage; whether secondary education of three years was considered as pre-university education; what was the enrolment and coverage at the secondary and higher levels; what the ratio was between those in public and in private education, what the proportion was between public and private universities, whether university education was subsidized or free and whether scholarships and educational loans were available at the various educational levels, including the university level.

151. In addition, members of the Committee wished to know what circumstances prompted students to drop out of school; what was the unemployment rate among persons with a secondary or university education; whether the Government was able to sustain education expenses at the level provided for in article 71 of its Constitution; what were the conditions for scholarships; what was the dimension of the brain-drain problem; what was the level of literacy among men and women; what measures had been adopted to allow working children to go to school; and what special schools existed for disabled children.

152. In reply, the representative of the State party said that the illiteracy rate was 13.9 per cent of the adult population. Provisional data on enrolment in primary and secondary schools for 1989 indicated that 1,950,000 students had been enrolled in primary schools and 759,000 in secondary schools. The drop-out rate in 1989 in primary schools had been 16.8 per cent in urban areas and 33.8 per cent in rural areas, 25.3 per cent being the overall figure. The number of students at the university level had undergone an exponential growth with a consequential danger of a reduction in the quality of education. The high drop-out rate at all educational levels resulted from the fact that many students, especially in rural areas, were obliged to work. A programme had now been established to enable them to combine work and studies. Textbooks

for primary education were either subsidized or provided free of charge, but they were only available at a limited number of distribution centres. The Government had been working together with local communities to remedy the lack of schools in marginal rural areas but serious problems for the transport of students were being encountered because of the rugged terrain. The earnings of primary schoolteachers were $20 to $30 above the monthly minimum wage of $50. Secondary education was considered pre-university education and enrolment at that level as well as at higher levels was on the rise. In accordance with the Constitution, universities were predominantly public. In 1989, 70 per cent of all students were enrolled in public universities and 30 per cent in private institutions. University education was heavily subsidized by the Government. Many Ecuadorian students were enrolled in universities abroad, which very often resulted in a brain drain.

153. Replying to other questions, the representative stated that the illiteracy rate in the country remained high. At the primary education level, the school attendance in 1988 had been 65.4 per cent. An intensive campaign to improve linguistic education had been initiated in 1988 and a National Directorate for the Inter-cultural and Linguistic Education of Indigenous Peoples had been set up within the Ministry of Education. Bilingual education was offered at 1,866 adult education centres and 1,523 schools. The Ecuadorian Educational Credit and Fellowships Institute gave credit to needy Ecuadorians to enable them to pursue their studies. With regard to the brain drain, a growing number of qualified persons were leaving the country. Many of them went to Venezuela.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

154. Members of the Committee asked what measures had been taken by the Government to preserve indigenous cultures and how international co-operation in scientific and cultural matters had affected economic, social and cultural rights and the life of indigenous minorities; whether measures had been adopted to increase the general knowledge of indigenous and other cultures; to what extent there was an interaction and integration of the various cultures; whether the museum for pre-Colombian art benefited from grants from UNESCO; and whether there were any restrictions on scientific or technical activities. A number of activities had been undertaken in connection with the Decade for Artists and a variety of cultural and scientific programmes had been carried out in co-operation with UNESCO, UNIDO, UNDP, and the World Bank.

Concluding observations

155. Members of the Committee indicated their satisfaction to the Government of Ecuador at the contents of the reports presented and praised the frankness, sincerity and objectivity with which the representative of that country described the conditions in which the Covenant was implemented.

156. While taking note of the difficulties indicated, notably the foreign debt burden, the Committee wished to draw attention to the obligation devolving upon States parties under the Covenant, whatever their level of development. Despite the difficulties noted by the representative, the Committee nevertheless noted that progress had been achieved by the country, in the light of the information contained in the reports.

157. Members of the Committee regretted, however, that the extremely useful explanations given by the representative and the relevant information contained in the reports had not been backed up by statistics which would have enabled the Committee to form a better understanding and to measure the progress achieved by the Government of Ecuador. The Committee wished to draw attention to the necessity of harmonizing the Labour Code with standards set in international instruments, especially with regard to maternity leave. Taking note of the fact that the representative had had very little time to provide detailed answers to the questions relating to articles 13 to 15 of the Covenant, the Committee expressed the wish to receive additional information to be provided in writing.

158. Concern was also expressed about the situation of abandoned children in Ecuador and about the need for more to be done to ensure that the right to an adequate standard of living was enjoyed, as enshrined in the Ecuadorian Constitution as well as in the Covenant.

Costa Rica (arts. 1 - 15)

159. The Committee considered the initial report of Costa Rica concerning the rights covered by articles 1 to 15 of the Covenant (E/1990/5/Add.3) at its 38th, 40th, 41st and 43rd meetings from 4 to 7 December 1990 (E/C.12/1990/SR.38, 40, 41 and 43).

160. The representative of the State party which introduced the report described the main developments which had taken place in Costa Rica since the preparation of the report. An act on the promotion of equality between men and women had been promulgated in 1990 and had led to significant changes in the status of women in Costa Rican society. That legislative reform had been designed to establish a programme of action with a view to eliminating any remaining forms of discrimination against women in Costa Rica, especially with regard to their participation in the political life of the country, access to employment, particularly in the civil service, equality in marriage and conditions of work. The act provided for the establishment of a special department for the protection of human rights whose sphere of competence included the protection of the rights of women.

161. On 4 February 1990, moreover, general, national and local elections had been organized - the tenth since 1953 - and the transfer of power had taken place without any difficulty, thus confirming the country's deeply-rooted democratic tradition. As soon as it had taken over, the new Government had

established new benefits designed to guarantee all inhabitants better social conditions, especially as far as access to housing and the right to food were concerned.

General matters

162. With regard to the general framework for the implementation of the Covenant, members of the Committee requested information on the country's main political and socio-economic features; the composition of the population, particularly as regards the various disadvantaged groups, such as the indigenous populations and the population of African origin; the most vulnerable population groups and, in particular, the number of persons living below the poverty line and the measures adopted to alleviate such situations; the number of foreigners and refugees living in Costa Rica, their origin and their situation in respect of the rights contained in the Covenant; and the principal obstacles encountered by the Government in implementing the Covenant, particularly as regards the consequences of Costa Rica's foreign debt on the rights guaranteed by the Covenant. As to the enjoyment by the population of economic, social and cultural rights, information was requested on any programmes and measures that had led to improvements in the situation in that regard, particularly as far as education and health were concerned; the resources in the general State budget allocated to education, health, social security and cultural activities; and the contribution made by the various forms of international co-operation to the country's development and the enjoyment of the rights recognized in the Covenant. The members also requested more detailed information on the general legal framework in which the Covenant was being implemented; the competent courts and legal decisions relating to economic, social and cultural rights; and the manner in which the Covenant was incorporated into domestic legislation and, in particular, any amendments made or decisions taken as a result of the ratification of the Covenant.

163. With regard to the most vulnerable population groups, further information was requested on the practical implementation of legal provisions relating to the rights of the Indian minority, especially its possibilities of access to land ownership and the exploitation of the natural resources of the regions where it lives and the realization of its rights to health, education and social security. Noting that the Afro-Caribbean minority was concentrated in the region of Puerto Limón, one of the poorest and most seriously affected by unemployment, members asked what the average standard of living of the members of that minority was and whether specific measures had been taken to improve their situation. More generally, detailed information was requested on measures taken to eliminate latent racism against national minority groups and refugees and on the identity cards the members of indigenous groups were required to carry. It was also asked what the term "Christian principles" in article 1 of the Labour Code meant and whether such a concept was not likely to conflict with the principle of non-discrimination provided for by the Constitution. With reference to the national strike which had taken place in

October 1990, it was asked what measures had been taken to divide the burden of adjustments more equitably among the population as a whole and whether, as a general rule, economic, social and cultural rights were recognized and guaranteed in the Costa Rican democracy to the same extent as civil and political rights.

164. The representative of the ILO referred to articles 6 to 9 of the Covenant and informed the Committee of the ratification and implementation by Costa Rica of ILO Conventions and the relevant conclusions and recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations.

165. Replying to the questions asked, the representative of the State party gave a detailed description of Costa Rica's political, legal and socio-economic features and drew particular attention to its democratic, free and independent nature. In accordance with article 7 of the Constitution, duly ratified international conventions and treaties took precedence over domestic legislation and the rights provided for in the Covenant were therefore guaranteed in Costa Rica. Several legal provisions guaranteed the full equality of all before the law and prohibited all forms of discrimination based on race, sex, age, religion, family situation, political opinion, social origin or economic situation. Costa Rica had 2.6 million inhabitants, including 9.5 per cent of African origin and a group of 4,500 indigenous persons. The black communities enjoyed all rights and privileges granted by the Constitution and related legislation and lived not only in the Province of Limón in the Caribbean, but throughout the country. The indigenous community lived in national parks set up by the Government to protect the country's flora and fauna and covering nearly 11 per cent of the country. Within those parks, the indigenous inhabitants were entitled to make use of water and all the other resources, with the exception of timber, and were able to farm and to sell any surplus produce outside the national parks. Although education for the indigenous community was given in Spanish throughout the seven-year period of schooling, an attempt was being made to provide one quarter of the teaching in the Bribri language. In addition, a project for the registration of Indians and the distribution of identity cards to all indigenous persons was being considered in order to speed up the economic and social development of those populations. Identity cards were the same for all Costa Ricans, irrespective of race. Under the Government's programme to promote the creation of small business, bank loans were being offered to Indians, but an identity card had to be presented. Consequently, Indians, who had initially been reluctant to acquire such identity cards, were now beginning to apply for them.

166. He stressed that Costa Rica had a long tradition of granting asylum to any person who was expelled from his country for political reasons or who might be subjected to persecution if he returned to that country, and indicated that 25,000 persons had refugee status, 18,900 persons had applied for such status, and between 50,000 and 175,000 displaced foreigners had

settled in Costa Rica. While refugees benefited from various forms of assistance and subsidies and were entitled to education, security and employment, displaced persons were assisted only if they were vulnerable. Although the Government was trying to facilitate the repatriation of refugees without documents, it regarded only voluntary repatriation as acceptable and was co-operating for that purpose with the international community and, in particular, UNHCR. Refugees who did not want to be repatriated benefited from various integration projects set up by the Goverment. At the same time, the Government had undertaken to draw up an immigration control programme in order to promote integration and was carrying out a number of activities to encourage the economic involvement of refugees, to guarantee social justice, health and education for all and to improve access to housing.

167. Referring to the factors and difficulties affecting the implementation of the Covenant, the representative of Costa Rica stressed that the foreign debt was a heavy burden for his country's economy. Although GDP had increased by nearly 3.5 per cent in 1989, major economic problems had slowed down Costa Rica's development. The rate of inflation was thus between 18 and 20 per cent and poor families accounted for 38 per cent of the population. Debt servicing amounted to 27 per cent of GDP, but it had not prevented the Government from allocating half of the national budget to social programmes. Per capita social expenditure had nevertheless declined in recent years, partly as a result of sharp population growth, and had required the adoption of many measures which were designed to improve the education, health, food, vocational training and housing situation and whose effects were beginning to be felt.

168. The national strike of October 1990 had taken place in protest at increases in the cost of a number of basic commodities and at an inflation figure of 25 per cent, despite the fact that the Government had decreed two wage increases in 1990, one of 15 per cent and the other of 9.65 per cent, to offset inflation. Costa Rica, which had been awarded the Nobel Peace Prize in recognition of the important work it had done in the cause of peace in Central America, was renowned for its full commitment to human rights.

169. Responding to other questions, the representative of Costa Rica stated that the Catholic religion was the religion of the State, but the free exercise of other religions which were not opposed to universally-recognized moral precepts and customs was guaranteed. Difficulties might, however, theoretically arise in respect of the President or Ministers taking the oath of office if one of them declared himself to be an agnostic. Attempts to eliminate the reference to the Catholic Church in article 75 of the Constitution had led to public demonstrations.

Articles 1 to 5

170. Members of the Committee requested further information on the position of women in Costa Rican society and, in particular, on their involvement in the country's political, social and trade union life and on their status at work.

They asked whether full equality of rights under the law had been achieved and, if not, what distinctions remained and what plans were being made to do away with them. Information was also requested on the activities of the National Centre for the Advancement of Women and the Family.

171. In his reply, the representative of the State party drew attention to the recent adoption of an Act on the promotion of equality between men and women and gave some statistical data concerning the problems encountered by Costa Rican women within the family, in access to employment and in conditions of work. Women accounted for over 50 per cent of the population, but their employment rate was only 18 per cent, as against 52 per cent for men, and, although unemployment was declining, it had affected women more severely, particularly in rural areas. Their wages amounted, moreover, to only 89 per cent of men's wages. The above-mentioned Act was thus designed to eliminate all forms of discrimination against women, particularly with regard to their participation in the political life of the country. Constant efforts were being made throughout the country to try to change attitudes, and the National Centre for the Advancement of Women and the Family had been established for that purpose. The Centre carried out many research activities to promote the participation of women in the socio-economic life of the country. In addition, Costa Rica was undertaking to achieve the objectives of the Decade for the Advancement of Women: Equality, Development and Peace through, inter alia, national development policies, sectoral activities by the Ministry of Culture, Youth and Sports, and intensive training activities. During the period covered by the report, 730 training activities had thus been organized for 7,800 beneficiaries in order to make the various population sectors more aware of the new image of women in society and to strengthen the family as the basic unit of the organization of society. Information in that regard had also been widely disseminated by various means, and especially by the media.

Article 6: Right to work

172. Members of the Committee asked what trends there had been in unemployment in the past five years, broken down by sex and age group, what specific measures had been taken to reduce unemployment, as well as in the sphere of vocational and technical training and permanent education for adults, and what specific action had been taken on behalf of disadvantaged groups. Information was also requested on the legal significance of the concept of the "right freely to choose employment" embodied in article 56 of the Constitution and on the prohibition of any discrimination based on age as far as access to employment was concerned.

173. In his reply, the representative of the State party indicated that unemployment had dropped in the past five years and stood at 4.6 per cent in 1990. Underemployment, defined as unemployment plus visible and hidden under-utilization of the work-force, had decreased from 14.3 per cent in 1986 to 9.9 per cent in 1989. It affected men more than women, and persons aged between 15 and 19 were the hardest hit. Costa Rica, like many other

developing countries, had no unemployment insurance. However, the National Apprenticeship Institute and the Programme for Higher Education by Correspondence provided vocational and technical training for adults. In co-operation with the government authorities, the University of Costa Rica was also implementing a number of assistance programmes for the creation of jobs and vocational training and on behalf of unemployed persons and migrant and seasonal workers. The Ministry of Labour and Social Security organized programmes of short-term employment in community or other work for unemployed and disabled persons and efforts were being made to reduce unemployment by encouraging foreign investment in Costa Rica. Higher labour tribunals had been set up to implement the provisions of the Labour Code and the law required the employer to provide financial compensation in case of unjustified dismissal.

Article 7: Right to just and favourable conditions of work

174. Members of the Committee requested detailed information on the machinery for establishing minimum wages, on the role of collective bargaining in that respect, and on the special protection in labour matters enjoyed by women and minors in accordance with articles 71 and 87 of the Constitution. Clarification was sought about the exact scope of the provisions of the Labour Code prohibiting work by minors and any exceptions provided for by law, particularly in the case of children under the age of 12. In addition, information was requested about illegal employment, the actual situation of clandestine foreign workers, and the duties and powers of labour inspectors.

175. In his reply, the representative of the State party said that the machinery for establishing minimum wages was intended to check inflation while at the same time maintaining workers' purchasing power. Wages were thus established once a year and adjusted in the light of the increase in retail prices. In the private sector, wages were established by the the National Wages Council composed of representatives of the private and public sectors and the trade unions, while in the public sector the wages were established by a public-sector negotiating committee composed of representatives of the Administration and trade union federations. Between 1980 and 1988, collective bargaining had given rise to 240 agreements.

176. On the question of special protection for women and minors at work, the representative stated that the trade union organizations concerned and the women's associations had to be consulted about the working conditions of women employed in particularly hazardous, insanitary or difficult work. The Labour Code forbade night work by minors and the number of hours worked per week varied according to the minor's age. In addition, a National Children's Board had been established to supervise working conditions for minors. In line with ILO Conventions, the miniumum age was set at 15 years for both men and women. In very special instances, however, and under the strict control of the National Children's Board, the age could be reduced to 12. In such cases, the working week was limited to 20 hours to enable the child to continue his or her studies.

Article 8: Trade union rights

177. Members of the Committee requested detailed information about the system of labour relations and, in particular, about the right to form unions and the right to strike as recognized in ILO Conventions Nos. 87, 98 and 151. Clarification was also requested about the participation of foreigners in trade union activity in Costa Rica and in connection with the establishment under a Ministry of Labour Organization Act of an office to supervise trade union organizations. Lastly, members asked what was the percentage of trade union membership and requested an overall description of the trade union movement in Costa Rica.

178. In his reply, the representative of the State party emphasized that his country had ratified ILO Conventions on the freedom of association and protection of the right to organize, 1948 (Convention No. 87), employment service, 1948 (Convention No. 88) and labour administration, 1978 (Convention No. 150). The right to form trade unions was fully guaranteed, the only limitations being those necessary for the maintenance of public order. The right to strike was recognized in Costa Rican legislation, and trade unions had the right to set up federations and confederations. The Trade Union Office in the Ministry of Labour provided legal assistance to trade unions and counselled their representatives, but did not seek to restrict trade union practices. The percentage of the active work-force in the public sector belonging to a union had reached 82 per cent compared with 48 per cent in the private sector. There had, however, been a drastic decline in trade union membership in Costa Rica over the previous five years, in line with a worldwide trend.

179. The representative denied allegations that the Government was encouraging a movement known as "Solidarity" in firms and said that the Government had proposed that ILO representatives should come and ascertain the situation. Foreigners could join trade unions but could not hold executive positions.

Article 9: Right to social security

180. Members of the Committee requested information about the social security system, the types of benefits offered, protected categories and the extent of coverage. With regard to trends in unemployment over the past five years, they asked what benefits had been granted to unemployed persons.

181. In his reply, the representative of the State party explained that under Costa Rican legislation employers were required to provide individual or collective insurance for all employees. In the event of failure to do so, an employer had to cover all hospital costs and pay compensation for industrial injuries. The National Insurance Institute provided full hospital, surgical and other coverage for persons injured at work. The proportion of those insured within the population had been 81.7 per cent in 1963 and 81.8 per cent in 1985.

Article 10: Protection of the family, mothers and children

182. Members of the Committee asked what measures had been adopted by the Costa Rican Government in aid of abandoned children, what was the minimum legal age in order to work and whether the commencement of work was co-ordinated with the education system. Additional information was requested about the implementation of legislative measures for the protection of children against exploitation for purposes of prostitution, the legal régimes for marriage and divorce, the fate of children in the event of their parents' divorce, and the marriage rate in Costa Rica.

183. In his reply, the representative of the State party explained that Costa Rican legislation recognized the family as the natural unit and the basis of society entitled to special protection of the State.

Article 11: Right to an adequate standard of living

184. Members of the Committee requested information on the activities of the Social Welfare Office. Information was also sought on the implementation of the right to housing in Costa Rica and, in particular, legal measures for the protection of tenants, on the relative proportions of tenants, home-owners and homeless persons in Costa Rica, and any measures taken by the Government to facilitate home-ownership and control rents.

185. In his reply, the representative of the State party said that the essential role of the Social Welfare Office was to improve the standard of living and the general well-being of families, children and single mothers, and to co-ordinate the programme of assistance to families and minors. Under the housing programmes, grants of 4,500 colones were made to families with an annual income of 17,000 colones or less. The difference between the grant and the total cost of the housing unit was met by a loan from the Housing Mortgage Bank at a low rate of interest. From 1978 to early 1990 over 200,000 families had benefited from the housing programmes, and it was expected that over the next four years between 80,000 and 100,000 additional families would benefit. Property ownership had therefore become more accessible to a great many low-income families, and rents were relatively low. The Rent Act of 1939, currently being revised, provided special protection for tenants, particularly for loss of their housing.

Article 12: Right to physical and mental health

186. Members of the Committee requested information on the structure and functioning of health services, the types of services offered and the extent of coverage, efforts made and results of action to combat disease and, in particular, the number and geographical distribution of health services, and the number of hospital beds and doctors per 1,000 inhabitants.

187. In his reply, the representative of the State party highlighted the legal provisions governing the structure and functioning of health assistance and those relating to efforts to combat disease. Almost all infectious diseases, including malaria, leprosy and tuberculosis, had been eradicated and a programme to combat AIDS and other infectious diseases had been set up. Life expectancy had been 73.7 years in 1988 compared with 65.6 years in 1965. There had been 2.6 hospital beds per 1,000 inhabitants in 1988.

Articles 13 and 14: Right to education

188. Members of the Committee requested information on the education system and, in particular, basic general education, pre-school education and diversified education. Additional information was sought on the availability and cost-free nature of primary education, particularly in connection with induced or disguised costs, any recent change in the literacy rate and the methods used to integrate the children of immigrants into the education system.

189. In his reply, the representative of the State party described the education system in his country, and stressed that basic general education, comprising primary education and the first three years of secondary education, was compulsory and free of charge, that 85 per cent of children completed their primary and secondary studies, and that the literacy rate was 94 per cent. School libraries throughout the country contained textbooks, so that pupils did not necessarily have to buy them and basic school materials were provided free of charge to pupils unable to afford them. For demographic reasons, there had been a fall in the number of primary schools. Children of foreigners born in Costa Rica were Costa Rican citizens and, consequently, could enrol in public educational establishments on the same basis as children of Costa Rican citizens. For private education, however, the children of foreign nationals had to pay double the tuition fees charged for children of Costa Ricans. There were four main universities in Costa Rica and 65 per cent of students had been awarded scholarships. In addition, civic education courses were given with the aim of teaching children about the various international instruments on human rights and the legal and institutional machinery available in Costa Rica in that area.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress, and to benefit from the protection of the interests of authors

190. Members of the Committee requested additional information on measures taken and activities conducted by the Costa Rican Government to give effect to the cultural rights enunciated in article 15 of the Covenant. In particular, they asked what measures had been taken to promote indigenous culture and in what way that culture was incorporated in the cultural pattern of Costa Rica and coexisted with the culture of the majority of the population.

191. In his reply, the representative of the State party emphasized that cultural centres had been set up throughout the country in order to give the whole population access to cultural activities. In addition, a law on intellectual property and related rights had recently been drafted with the assistance of WIPO.

Concluding observations

192. The members of the Committee thanked the representative of the State party for his additional information which had, to a large extent, filled the serious gaps in the initial report, which had not been drafted in accordance with the general guidelines regarding the form and contents of reports to be submitted by States parties (E/C.12/1987/2), since it contained only a recital of legal provisions in force, without giving an interpretation or comments on the practical implementation of the provisions of the Covenant. In those circumstances, the dialogue with the delegation of the State party had not enabled the Committee to ascertain with exactitude the degree of practical implementation of the Covenant.

193. In view of the excessively legalistic character of the report and the incomplete replies given to some of the questions asked, the Committee expressed a desire to receive additional information on the practical implementation and effective exercise of the economic, social and cultural rights provided for in the Covenant. In particular, information was sought on protection against unemployment, the effect of the country's external debt on the enjoyment of the rights to just and favourable conditions of work and an adequate standard of living and social security, the free exercise of trade union rights, the status of foreigners and their possibilities of enjoying the rights enshrined in the Covenant.

194. In addition, a view was expressed that the restrictions placed on the participation of foreigners in trade unions were not in conformity with article 8 of the Covenant or article 7 of the Constitution of Costa Rica.

195. With regard to the nature of comments that had been deemed too critical by the representative of the State party, the Committee reiterated that members of the Committee, who served in a personal capacity, were fully independent and impartial, and that it was necessary to engage in a constructive dialogue between the representatives of States parties and the Committee. Such a dialogue was designed to make possible an objective assessment of the extent to which the economic, social and cultural rights enshrined in the Covenant were being implemented by States parties.

Islamic Republic of Iran (arts. 13-15)

196. The Committee considered the initial report of the Islamic Republic of Iran concerning the rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.43) at its 42nd, 43rd and 45th meetings, held on 6, 7 and 10 December 1990 (E/C.12/1990/SR.42, 43 and 45).

197. The representative of the State party introduced the report, and briefly described the geographical, demographic, economic and political situation of his country. With regard to the system of education, he said that the Government was committed to providing education, including secondary education, free of charge for all children and young persons. The system of education included a kindergarten level, primary education, a middle or guidance level and secondary education. At the primary level, courses were given before each school year to allow children whose language was different from the national language to acquire the necessary knowledge of the latter. The level of orientation permitted teachers to evaluate the needs, interests and capacities of students, who then entered one of the branches of secondary education, lasting for four years. Recently, technical and professional institutions associated with industries had been established to provide education of better quality. The university level was open to everyone who had a secondary education and who passed an entry exam. The Islamic Revolution had been followed by a cultural revolution, which made it necessary to adapt educational programmes and materials. Decisions regarding education and culture were taken at the highest levels of authority, which were responsible for preserving the ideals of the Revolution. With a view to increasing the number of students and educational facilities, access to universities had been guaranteed on the basis of equality and additional institutions had been set up. A number of places had been reserved for culturally and economically disadvantaged groups. After the Revolution, an Islamic university had been opened to all, regardless of age or educational background, who wished to pursue a university education. The Iranian Government was committed to fighting illiteracy through a number of measures. Some 800,000 persons had followed literacy classes as of June 1990, and 1,200,000 others were expected to follow. About 6 million illiterates were expected to benefit from this programme by the end of the decade. According to the Constitution all Iranians had access to education and the efforts of teachers and politicians were directed at the application of this principle as well as at teaching respect for human rights.

General matters

198. As regards the general framework in which the Covenant was being implemented, members of the Committee, noting that in the report no reference was made to article 15, requested information on the implementation of that article. They asked whether the Government of the Islamic Republic of Iran had plans to present its reports concerning the rights covered by articles 6 to 9 and 10 to 12 of the Covenant or whether the Government experienced any difficulties preparing them, and if so, of what kind. Furthermore, it was asked to what extent the recently adopted Declaration on Human Rights in Islamic countries favoured the implementation of economic, social and cultural rights enshrined in the Covenant and addressed in the Iranian report. Lastly, information was sought concerning the position of women in Iranian society, especially with regard to the Penal and Civil Codes.

199. In reply, the representative said that everything was being done to submit information on article 15 as well as the reports on articles 6 to 9 and 10 to 12 of the Covenant but pointed out that his country had faced a war and natural disasters of tremendous magnitude, as well as a considerable influx of refugees from Kuwait and Afghanistan. The Declaration of Human Rights in Islamic countries contained a number of articles favouring the implementation of economic, social and cultural rights. Iranian women seeking employment did not need permission from their husbands. Nearly half of Iranian primary school teachers were female and most of them were married. The Penal and Civil Codes were in accordance with the teachings of Islam and the Constitution, and in no way were women considered second-class citizens.

Articles 13 and 14: Right to education

200. Members of the Committee wished to know whether the Government was committed to making primary education compulsory and, if so, whether a detailed plan of action for the implementation of compulsory primary education had been worked out; what was the gender break-down of enrolment at all levels of education and whether there were any plans to remedy discrimination in cases where women were significantly under-represented; what percentage of children were still unable to obtain access to appropriate schooling and whether there were any significant regional disparities in this regard; how the difficulties mentioned in paragraph 9 of the report were affecting the realization of the right to education and whether the Government had been seeking assistance from international organizations such as UNESCO to overcome those difficulties. Noting that a distinction was made in paragraph 13 of the report between courses of vocational training at the secondary level offered to male students and those offered to female students, members asked whether that was not considered to be discriminatory. Information was also sought on the educational situation of Armenian, Baha'i, Kurdish and other minority group children; on the number of schools for minorities, their enrolment, and any eventual changes in that data since the Revolution; and on the extent to which students and their parents were free to pursue non-Islamic education. With regard to human rights education, it was asked whether there were references to United Nations instruments in secondary school textbooks and, if so, whether any conflict was perceived between those standards and Koranic law.

201. In addition, members of the Committee requested information concerning the position of the Bahai community and of ethnic and refugee groups with respect to the right to education; on individuals and groups making use of the possibility of setting up primary schools and other education institutions; on the educational status of children belonging to the Kurdish minority; and the disparities between the various regions in respect of such aspects as enrolment, availability of facilities and the number of teachers. Members also wished to know what progress had been made in the rate of enrolment for women; what measures had been taken to encourage women to enter university; whether girls were destined for careers which were considered typically female, how many women professionals there were; whether there were any

associations for women, what was the position of atheists and of secular education relative to religious education; and what were the possibilities of establishing institutions or associations that had no religious affiliation.

202. Noting that one of the objectives of Iranian education was to encourage students to fight against tyranny and to assure political independence, members asked for a clarification as to the specific meaning of "tyranny" and "political independence"; whether students could criticize the current régime; what were the reasons for the shortage of teachers; what was their salary as compared to civil servants or military personnel; and whether the free university mentioned in paragraph 18 of the report was private. Information was also sought regarding the special education scheme for exceptionally gifted children, especially girls; on the specific size of the problem of illiteracy; on the number of loans given to teachers; procedures, including selection on the basis of political views for determining which teachers are allowed to travel abroad; the number of hours taught per teacher per week; and on the university education.

203. In reply, the representative of the State party said that education had not been made compulsory for economic reasons but measures had been taken to remedy that situation; free school meals were offered to children in backward rural areas; young teachers were sent to isolated regions to teach in the primary schools as a substitute for military service; the development programme 1988-1998 aimed at bringing enrolment rates for children between 6 and 10 years old from 78.5 per cent to 85 per cent. Females comprised 45 per cent of enrolment in primary schools, 39.5 per cent at the middle level, 42.3 per cent at the level of secondary education, and 30 per cent at the university level. Girls were free to choose any form of secondary education they liked. The rate of enrolment in rural areas generally lagged behind the rate in urban areas. Replying to a question on the difficulties that had been encountered, the representative drew attention to the drop-out rate, the lack of qualified teachers, the consequences of the war, and the destruction of school-buildings by two earthquakes. International co-operation was undertaken mainly under the auspices of UNESCO. The Constitution recognized three religious minorities: Zoroastrians, Jews and Christians, who had the right to their own system of education. They were not obliged to practise Islam but had to receive religious instruction, which could not be dispensed with in an Islamic country such as Iran. Ethnic minorities enjoyed the same right as Iranian citizens. United Nations human rights instruments were studied by political science students; students of Islam were acquainted with human dignity and human rights from the point of view of Koranic law, which were not necessarily contrary to international human rights standards.

204. In reply to other questions, the representative said that there were special schools for exceptional children of all kinds, whether gifted or handicapped. There was no problem in respect of gifted girls. Two of the six Iranian candidates in the forthcoming international physics Olympiad would be

women. Women were also involved in research work and 20 per cent of the doctors in the country were women. There were a great number of women's associations and any group of women could set up a women's association if it so desired. A new literacy programme had been introduced in June 1990. Illiterate persons seeking employment had to first attend literacy classes. Before completing military service, recruits had to be literate. On the other hand, the insistence by parents that their children go to work rather than to school contributed to illiteracy. Teachers enjoyed the right to travel abroad and could purchase tickets with the 40 per cent discount applicable to civil servants. Information on the number of teachers who applied for and received passports could be provided, if required. Due to a shortage of teachers, they taught for more than 24 hours a week but were remunerated accordingly.

205. In reply to questions regarding religious education, the representative explained that two systems of education had emerged: theological seminaries, in which Islamic culture was taught, and the formal education system which included many subjects in addition to religious instruction, which religious minorities were not required to take. Students were not questioned about their religious inclinations. The admission fees for State universities were so low that there was heavy competition for admission. In private higher education institutes such as the free university, students paid tuition fees. There was no discrimination in employment opportunities between boys and girls. However, vocational training courses were based on the traditional inclinations of Iranian parents.

206. The representative also stated that educational opportunities were provided for school-age children and illiterate adult refugees of Afghan and Iraqi-Kurdish origin as well as for other ethnic groups living in Iran. The situation in respect of the Iranian Kurdish people was similar to that in other parts of the country. The Kurds lived mainly in a single province, in which there were 258,000 pupils. With regard to "tyranny and domination", he stated that his country had been dominated by tyrannical régimes and therefore it was natural that the educational system should encourage political independence. With regard to the issue of the Baha'is, he noted that that group could not be defined as a minority and that the subject had been covered extensively in the work of the Commission on Human Rights. The Government position was that they could not be officially deprived of their legal and social rights.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

207. Members of the Committee regretted not having received information regarding article 15 of the Covenant and requested to be informed in writing of the implementation of this article.

208. The representative replied that efforts would be made to submit information on article 15 as soon as possible.

Concluding observations

209. The Committee expressed its appreciation of the fact that the Government of the Islamic Republic of Iran had been able to present its report despite earlier indications that it would be unable to do so. The Committee welcomed the statement by the representative of the State party that the two reports which were outstanding would be submitted to the Committee prior to its sixth session and noted that the receipt of those reports would enable the Committee to gain a better appreciation of the situation in his country with respect to economic, social and cultural rights. It was regretted that the report before the Committee failed to deal with article 15 and a supplementary report on that article was requested.

210. While noting that a considerable effort had been made in responding to many of the questions posed, the Committee observed that a number of questions remained unanswered. It expressed concern about the overall human rights situation in the Islamic Republic of Iran, as reflected in the report of the Special Representative of the Commission on Human Rights (E/CN.4/1990/24), and noted that, in light of the indivisibility of human rights, economic, social and cultural rights were inevitably affected. Particular concern was expressed for the situation of certain minority groups and it was stated that some questions on these issues had not been satisfactorily answered.

211. The question of the situation of women had been raised and the Committee welcomed the representative's offer to send, in the near future, a further report on the status of women in the Islamic Republic of Iran.

212. The Committee expressed the hope that the relationship between the Government of the Islamic Republic of Iran and the Centre for Human Rights would be developed so that the latter could assist the Government to bring its system into line with the applicable international treaty standards.

Dominican Republic (arts. 1 - 15)

213. The Committee considered the initial report of the Dominican Republic concerning articles 1 to 15 of the Covenant (E/1990/5/Add.4) at its 43rd to 45th and 47th meetings, held on 7, 10 and 11 December 1990 (E/C.12/1990/SR.43-45 and 47).

214. The representative of the State party introduced the report and stated that it reflected legal and institutional measures taken by the Government to ensure the proper implementation of the provisions of the Covenant in the Dominican Republic. Those provisions, which were implemented to the greatest possible extent, were however very difficult to apply in some areas because of the weakness of the relevant government institutions.

General matters

215. As to the general framework within which the Covenant was implemented, members of the Committee asked for detailed information on how the Covenant had been incorporated into domestic legislation, the forms taken by international co-operation and its amount as a percentage of GNP, the programmes using ODA or international co-operation to promote the exercise of the rights covered by the Covenant, and the means by which the rights set out in articles 6 to 15 of the Covenant were guaranteed to foreigners.

216. Information was also requested on the possible impact of the external debt on the enjoyment of economic, social and cultural rights in the Dominican Republic. It was asked what the percentage of the coloured population and the population of mixed race was in the Dominican Republic, to what extent those population groups enjoyed the same rights as did white Dominicans and whether they could obtain important posts in the country's economic life. Clarification was particularly requested on the situation of Haitian workers on the sugar plantations in the Dominican Republic, who, according to various sources, were recruited by force and even compelled to work during the sugar-cane harvest season, and on the subject of the activities carried out in that connection by an official body known as the Consejo Estatal del Azúcar (CEA). In the absence of figures on the implementation of a number of rights safeguarded by the Covenant, information was asked on the way in which the Dominican Republic's statistical system was organized.

217. The representative of ILO referred to articles 6 to 10 of the Covenant and informed the Committee of the Dominican Republic's ratification of ILO conventions and of the relevant conclusions and recommendations of the ILO Committee of Experts on the Application of Conventions and Recommendations. In particular, he drew the Committee's attention to the serious problem of illegal entry by Haitian workers who had been rounded up by force on the plantations and compelled to work on them under bad conditions. In that connection, the International Labour Office had recently urged the Dominican Secretariat of State for Foreign Affairs to send a mission to the plantations in January 1991 to look into the living conditions of the persons concerned.

218. In his reply, the representative of the State party explained that the Covenant had been incorporated into domestic legislation and had, consequently, become an integral part of the Constitution. The Dominican Republic recognized and enforced all standards of international law, in particular those of international human rights instruments at the inter-American level. Thus, measures had recently been taken to ensure that the Labour Code and the Constitution were brought into line with international instruments acceded to by the country, such as the Covenant. He added that

foreigners enjoyed the same rights and privileges as citizens and that xenophobia as well as discrimination based on race, colour or religion did not exist in the Dominican Republic, which had always been a country of voluntary exile.

Articles 1 to 5

219. Members of the Committee requested more information on the situation of women in Dominican society, in particular on their participation in the nation's political and social life, in the trade unions and in employment, on the measures adopted, on the difficulties encountered, and on the progress achieved in promoting equality between men and women in regard to the rights set out in articles 6 to 9 of the Covenant.

220. In his reply, the representative of the State party emphasized that women did not suffer from discrimination and that they played an active role in the economic life of the country.

Article 6: Right to work

221. Members of the Committee asked for information on the measures adopted to prevent discrimination in labour matters, on the cases in which wages were supplemented by social benefits, on the nature and terms for granting State social welfare to the poor sectors of the population, on the amount of the minimum wage, on the way in which unemployment had developed over the past five years, on the system of protection against unemployment, on whether there were unemployment allowances, on the judicial bodies available to workers engaged on a temporary basis to the detriment of their labour rights, and on the length of the working day established by law. Moreover, it was asked whether vocational guidance and training programmes had been devised, what results had been achieved by the Technical and Vocational Training Institute in its activities to improve productive employment, and on the amount of financial resources available for it to achieve its objectives.

222. In his reply, the representative of the State party explained that the minimum monthly wage was 1,120 pesos, i.e. $97.40, and that unemployment had changed from 28.5 per cent in 1986 to 20.8 per cent in 1988. Reliable statistics by sex and age-group were difficult to obtain in view of the large amount of employment in the underground economy and in the informal economic sector. The working day, regardless of sex, was set out in the labour contract and could not exceed 8 hours a day and 44 hours a week, it being understood that the working week must end at noon on Saturday. Moreover, temporary workers who considered that their labour rights were infringed upon could refer to the Secretariat of State for Labour, a ministerial body for settling labour conflicts between workers or between workers and employers.

Article 7: Right to just and favourable conditions of work

223. Members of the Committee asked for information on the machinery for establishing minimum wages, the role of that machinery in the collective bargaining process, the minimum wages according to economic branch of activity, the percentage of the active population in receipt of a wage lower than the minimum wage, and the proportion of the wages assessed for retirement purposes. In addition, clarification was requested on the restrictions imposed on the rights of women under articles 210 to 218 of the Labour Code and the situation of women with a low income and little education as far as the rights guaranteed by article 7 of the Covenant were concerned. Additional information was also requested on the situation of unmarried, widowed or divorced women and men raising their children on their own and on the legislation and practice in regard to paid holidays.

224. In his reply, the representative of the State party said that the minimum salary was established by the National Wages Committee, consisting of representatives of the administration, employers and workers. The amounts of the minimum wage were reviewed by the Committee at least once every three years, on the understanding that they could not be altered before one full year had passed. While no distinction was drawn in that regard between the various branches of economic activity, the Committee was free to determine the minimum wages for urban areas compared with rural areas, in the light of the country's needs. Moreover, the proportion of wages assessed for retirement purposes was determined by the law on social welfare and disablement and old age pensions and consisted of a base amount equivalent to 40 per cent of the average monthly wage increased in terms of the number of paid-up weekly contributions.

225. Concerning the situation of women in the Dominican economy, the representative explained that any restriction on the rights mentioned in articles 210 to 218 of the Labour Code was considered by law as a breach of the articles in question and complaints in that regard were brought before the Secretariat of State for Labour. Women had the same access as did men to vocational training centres. Nevertheless, in the Dominican Republic, as in any developing society, women with a low income and little education were, compared with men of the same social background, generally disadvantaged in regard to training opportunities. However, women who were better off were able to obtain training and therefore suffered no discrimination and benefited from the principle of equal pay for equal work.

Article 8: Trade union rights

226. Members of the Committee asked for additional information on trade union activities and the role of trade unions in collective bargaining, on the provisions governing the right to form trade unions (arts. 293 to 361 of Book V of the Labour Code), on the right of civil servants to form trade unions, on the lawful reasons for holding strikes, and on restrictions on the right to strike in the civil service. In this connection, clarification was

requested on the subject of public services or services of public utility in which staff were not authorized to strike. Furthermore, it was asked whether the procedure whereby a strike could be declared only after it had been voted for by more than 60 per cent of the workers concerned was in keeping with the relevant provisions of the ILO conventions and with article 8 of the Covenant.

227. In his reply the representative of the State party said that there were many trade unions and trade union organizations in the Dominican Republic and they freely exercised their activities and that workers could make use of the right to strike whenever they thought fit, provided they observed the relevant provisions of the Labour Code. Civil servants had no right to strike in cases where it is considered that a strike would prevent the operation of essential State services.

Article 9: Right to social security

228. Members of the Committee asked for further details on the extent of social protection and the social security system in the case of sickness, industrial accidents, death of a spouse, and retirement. In addition, it was asked why social security expenditure accounted for a very low proportion (0.5 per cent) of GNP in the Dominican Republic and whether rural workers benefited, as did urban workers, from a system of social protection.

Article 10: Protection of the family, mothers and children

229. Members of the Committee asked for additional information on the provisions of the Constitution which guarantee the right to freely enter into marriage; on the percentage of pregnant women in receipt of benefits from the Social Security Office and women receiving benefits from other public bodies; on the social security benefits to which pregnant women were entitled, the situation in that regard of self-employed women; on the regulations applicable to domestic servants, the situation regarding abortion, government policy on retirement pensions, and any difference between men and women in that connection. Moreover, information was requested on the employment of children and adolescents and, in particular, the kind of work in which they could be employed, the percentage of minors under legal age who were in employment; special measures taken to cut down the number of abandoned minors and to protect minors against economic exploitation and ill-treatment; the sanctions imposed in the event of a breach of the provisions governing the conditions of employment for women and minors; special measures to ensure the protection and education of handicapped children or delinquent minors and, lastly, the extent of the problem of drug addiction among the young and the programmes implemented by the Government for juvenile drug addicts.

230. In addition, more information was requested on the situation of illegitimate children, including those with one parent being a member of a diplomatic mission; on the legal system of divorce and the proportion of marriages which had ended in divorce; on any measures on births and family planning; on legislation on abortion; and on any trafficking in children and

child prostitution and measures taken to combat them. Lastly, it was asked whether the provisions of the Labour Code whereby the minimum age of employment was 14 were consistent with international standards.

231. In his reply, the representative of the State party pointed out that marriage was considered to be the legal basis of the family and that it could be entered into in complete freedom. Any pregnant woman employed by the State or its agencies was entitled to compulsory leave for the six weeks preceding the anticipated date of birth and the six weeks following that date. For the duration of that leave, she drew her full salary and maintained her employment, with all the rights and advantages deriving from it. The minimum age for retirement was set at 60 years of age and no distinction was made in that respect between men and women. With regard to the situation of self-employed women and domestic servants, it had to be acknowledged that the changing and non-institutionalized nature of professions of that kind made their social security cover difficult. Those questions were among the issues taken up in the ongoing review of the Labour Code.

232. The representative also stressed that there were 94,165 children aged between 10 and 14 who were engaged in productive work and who accounted for approximately 17 per cent of the economically active population. Such a percentage might seem high but should be looked at in the context of the very high unemployment rate in the Dominican Republic. Legislative measures had been enacted to reduce the number of abandoned children and to protect minors from exploitation. Under the legislation relating to compulsory assistance to persons under 18, parents were required to look after their minor children in the interest of society. Any parent who failed in that obligation or refused to conform to it was liable to a two-year prison sentence. Special measures had been taken to guarantee the protection and education of handicapped children and of delinquent minors through public centres set up to help those categories of persons. The penalties imposed for violations of the provisions governing the working condition of women and children were laid down in the Labour Code and corresponded to those applied for violations of the rights of adult males.

Article 11: Right to an adequate standard of living

233. Members of the Committee asked for detailed information about the right to adequate food and the right to housing. In particular they requested information on the implementation and results of food programmes and projects carried out with the assistance of international organizations, the percentage of the population which benefited from national food programmes, the assistance given to peasants in the form of loans and technical assistance, the percentage of the population currently without housing or living in substandard housing, the loans provided for purchasing materials for self-help housing, the guarantees provided in Dominican legislation for the protection of tenants, and the percentage of the urban and rural population lacking essential services such as drinking water, sewerage and electricity.

234. Members also referred to information to the effect that 15,000 families had been expelled from their dwellings in the context of programmes intended to remodel urban housing estates in connection with the ceremonies to mark the 500th anniversary of the landing by Christopher Colombus. These expulsions had been ordered without respect for the relevant legal procedures and the families were living in extremely difficult economic and social conditions. Consequently, explanations were requested about the Dominican Government's respect for the rights contained in article 11 of the Covenant.

235. In his reply, the representative of the State party said that the right to housing and the right to adequate food were guaranteed by the Constitution. There remained, however, a gap between the constitutional affirmation of those rights and their practical implementation and the Government was making every effort to guarantee the realization of the rights in question. The rate of house-building for low-income households had thus progressed considerably although the Dominican Republic was facing a very high demographic growth rate. Rent control legislation had been adopted in 1959 in order to protect tenants who could be expelled from their dwellings only when all the conditions laid down by the law had been met.

236. With regard to the right to adequate food, various United Nations agencies, including FAO, provided assistance in agriculture aimed mainly at promoting the production of basic foodstuffs. At the national level there was an institute in charge of price stabilization which distributed foodstuffs to low-income families and also acted as a financing agency. The Agriculture Bank of the Dominican Republic provided appropriate aid to farmers in the form of soft loans and purchases of crops at sufficiently remunerative prices. Efforts were also being made to provide electricity and drinking water supplies to the entire country.

Article 12: Right to physical and mental health

237. Members of the Committee wished to have information on the proportion of the population covered by the social security scheme as compared with the proportion of the population receiving benefits under other social insurance systems. They also asked for information, including statistical information, on the health care system, the number of health centres in urban and rural areas, the measures taken by the Government to facilitate the purchase of medicines by the most disadvantaged sectors, the institutions responsible for providing medical care to children, and immunization and re-immunization coverage against child diseases in addition to measles.

238. It was also asked whether special environmental protection measures had been found necessary in the Dominican Republic; whether measures had been taken to eradicate malaria; whether cases of AIDS had been registered and, if so, what measures had been taken to combat that disease.

239. Replying to the questions raised, the representative of the State party stressed that the Secretariat of State for Public Health and National Insurance had the dual task of monitoring the health of the population and implementing welfare programmes for people with low incomes, who could avail themselves of free medical care under the social security system. Public hospitals were distributed throughout the country in terms of population density in the different regions. Further, a network of "popular pharmacies" had been set up in order to provide persons with low incomes with low-cost medicines. Excellent results had also been achieved in combating a certain number of endemic or epidemic diseases as well as several tropical diseases. As the result of a compulsory and systematic child immunization programme, infant mortality had dropped conspicuously.

Articles 13 and 14: Right to education

240. Members of the Committee requested information on the illiteracy rate among adults, the percentage of children completing the sixth grade, the income of a primary school teacher in the public sector, the enrolment in public and private education at the secondary and higher levels and the distribution by sex, the assistance provided in the form of scholarships and educational loans, the distribution of such assistance at the various levels of education, the subsidies given for textbooks at the primary level, the proportion of State and private universities and statistics on enrolment by sex in the universities. Furthermore, information was requested about the 136,000 children who did not attend school and, more particularly, the percentage they formed of the total number of children.

241. In his reply, the representative of the State party explained that in 1983 the illiteracy rate had been 1.33 per cent although the number of functional illiterates, in other words people who experienced problems in reading or writing, was much higher. The purchase of textbooks for primary education was in principle subsidized by the State and salary negotiations were currently taking place with a view to upgrading the salaries of primary school teachers. The total number of students enrolled in secondary and higher education was 1,884,300, of whom there were 1,297,000 in the first cycle, 463,600 in the second cycle and 123,700 in the third cycle.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

242. Noting the dearth of information on the rights established in article 15 of the Covenant, members of the Committee wished to have detailed information on the measures adopted in the Dominican Republic to give effect to those rights, and in particular, measures taken to provide access to culture for the public at large.

Other matters

243. The representative of the State party addressed a written statement to the attention of the Committee in which he pointed out that the questions posed and observations raised by members of the Committee during the consideration of the report had to be given the most careful attention and the most appropriate response. He referred, in particular, to the oral comments and questions made with regard to denunciations of illegal evictions and violations of the rights of foreigners which, on account of their gravity, had to be responded to seriously, thoroughly and with supporting evidence. In order to do so, a suitable lapse of time was needed and, therefore, the Government expressed the desire that the Committee postpone its consideration of the report to any future date it might deem appropriate.

244. The representative further expressed the wish that the future dialogue with the members of the Committee could be fruitful and, in particular, clothed with the high standards befitting the dignity of a sovereign State and the presumed high qualifications of the experts. In that latter regard, he expressed the hope that neither side would resort to improper expressions and emotional attitudes which were unbecoming of government representatives and of real experts. It was the understanding of the Dominican Government that the reports of sovereign States, who were the unique interpreters of their national interest, were not "good" or "bad" and that there could only be incompleteness and absence in the amount and scope of information submitted.

245. In response to this written statement the Committee expressed the view that it was essential that the spirit of constructive dialogue between the representatives of the States parties be maintained and that extraneous and unhelpful matters should be avoided. It noted that, in a subsequent statement, the representative had reaffirmed his desire to co-operate with the Committee and to provide the information requested.

Concluding observations

246. In concluding consideration of the initial report of the Dominican Republic, the Committee noted with satisfaction that the Government of that country was prepared to establish a dialogue. The report submitted by the State party, however, seemed to the Committee to be too juridical and lacking in information on the practical and concrete implementation of the Covenant, on case law and on statistical data relating to the various rights recognized by articles 6 to 15 of the Covenant. The information concerning the relevant articles of the Constitution or the texts of various laws and regulations appearing in the report, had inadequately developed some articles of the Covenant, such as articles 9 and 11 or had not developed them at all in the report, such as article 15.

247. Moreover, although a certain amount of information had been provided in response to the issues provided in writing for the delegation of the Dominican Republic by the Committee's pre-sessional working group, relating in

particular to the minimum wage, the length of the working day, retirement, child labour, illiteracy or education, many other issues had not been broached. For instance, in addition to the issues related to article 15 of the Covenant which had not been developed, the information provided in respect of social welfare, trade union organisations, the right to strike, the benefits provided for pregnant women, abortion, the right to housing and to health had been considered to be insufficient.

248. Further, following the additional questions asked and comments made orally by the members of the Committee concerning the actual implementation of the Covenant, the Government of the Dominican Republic had transmitted a written statement to the Committee in which it asked for an additional period of time in which to reply.

249. Members of the Committee stated their deep concern at the situation of Haitian workers in the Dominican Republic and wished to obtain all relevant information on the role of the CEA in the recruitment of these workers, on the condition of Haitian workers including their freedom of movement, their wage and their working conditions and any measures taken by the Government following the report established by the Committee appointed by the President of the Dominican Republic to end forced labour. The information that had reached members of the Committee concerning the massive expulsion of nearly 15,000 families in the course of the last five years, the deplorable conditions in which the families had had to live, and the conditions in which the expulsions had taken place were deemed sufficiently serious for it to be considered that the guarantees in article 11 of the Covenant had not been respected.

250. The Committee consequently requested an additional report on those issues which called for more detailed development as well as answers to those questions which had been kept pending.

Chapter VI

REVIEW OF METHODS OF WORK OF THE COMMITTEE

Introduction

251. At its fourth session, the Committee decided that any proposals which required the approval of the Economic and Social Council should be formulated as draft decisions proposed for adoption by the Council. These drafts are contained in chapter I of the present report.

252. Many other matters relating to the work of the Committee were already covered by past resolutions of the Council. Thus endorsement by the Council in the case of decisions taken with respect to those matters was not required. Those matters are dealt with in the present chapter.

Conclusions and recommendations adopted by the Committee with respect to its future methods of work

General guidelines

253. The Committee noted that the revision of the general guidelines for reporting by States parties had been agreed to at its first session and that the Council had, on several occasions, welcomed that decision. Accordingly, the Committee established a sessional working group at its third session for the purposes of preparing the revised guidelines. That group subsequently presented a "draft proposal for revised guidelines" to the Committee which then requested the group's Chairman/Rapporteur, Mr. Bruno Simma, to prepare a revised draft on the basis of suggestions made by members of the Committee and to present his report to the fourth session. At the fourth session, the Committee again engaged in wide-ranging discussions on the draft and asked Mr. Simma to submit a final revised draft to it at its fifth session, and, for that purpose, to take full account of the comments made by members of the Committee and of any written suggestions forwarded to him.

254. At its fifth session, the Committee received a completed, revised draft prepared by Mr. Simma and, after lengthy discussion, adopted the general guidelines as revised in the course of the session. The guidelines, as adopted, are contained in annex IV to the present report. The Committee recorded its gratitude to Mr. Simma for the extensive work he had done, over several sessions, to bring the guidelines to fruition.

General comments

255. The Committee had before it a draft general comment on article 2 (1) of the Covenant prepared by Mr. Philip Alston. At its 46th and 48th meetings, held on 10 and 11 December 1990 respectively, the general comment was discussed and adopted as revised by the Committee. The text of General Comment No. 3 (1990) is contained in annex III to the present report.

256. The Committee also noted that a further general comment, dealing with the principle of non-discrimination and particularly with articles 2 (2), 2 (3) and 3 of the Covenant, was in the course of preparation and would be available for consideration by the pre-sessional working group at its meeting scheduled for September 1991.

Relations with other United Nations and treaty bodies

257. The Committee believed that it was essential for its members to be kept abreast of all relevant current developments in the work of the other treaty supervisory bodies, of the principal human rights organs and of any other appropriate international bodies. While appreciating the fact that the Secretary-General was already providing extensive documentation, the Committee felt the need for the most important developments to be distilled from this material and presented to it in a more systematic manner. It thus decided at its fourth session that, in future, one of its members should assume responsibility for briefing the Committee on current developments and that the member should be assisted by a written report to be prepared by the Secretariat. This system worked effectively at the Committee's fifth session and it decided that the task would again be entrusted to its current Rapporteur at its sixth session. It noted that the agenda for the first week of each of its sessions should take this item into account.

258. The Committee was also informed in this context of the most important developments concerning the work of the other treaty bodies and of the conclusions and recommendations which are contained in paragraphs 49-75 of the report (A/45/636 annex), and which were adopted by the third meeting of persons chairing the human rights treaty bodies held from 1 to 5 October 1990. The Committee took particular note of paragraph 57 of the report which stated that "the effective development of the human rights treaty system as a whole would be significantly enhanced by the promotion of greater interaction among the treaty bodies". It welcomed the suggestion made in the same paragraph that in future consideration should be given to "the holding of joint sessions of working groups of two or more committees to explore a specific issue". In this regard, the Committee agreed to recommend that a meeting be held, perhaps in 1992 with one or two representatives of each of the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights with a view to discussing matters of mutual interest relating to the rights of the child, including the most appropriate approaches to the supervision of overlapping treaty obligations. The Committee requested the Secretariat to raise this suggestion with the other Committees concerned and to report to it at its sixth session on the feasibility of convening such a consultation.

259. The Committee expressed its appreciation of the contribution made to its work by the specialized agencies and in particular by the representatives of the ILO and WHO. It requested its Chairman to send a letter to the Director General of each of those agencies underlining the Committee's appreciation of the important contribution made by the representatives concerned.

Public information activities

260. The Committee noted that, at its fourth session, it had requested the Secretary-General "to undertake the preparation, perhaps at the end of its fifth session, of a brochure or booklet describing in detail the work of the Committee" (E/1990/23, para. 302). In reiterating this request the Committee urged that the matter be given priority and decided to propose a draft decision to this effect to the Council (see chap. I). The Committee also asked the Secretary-General to report to it at its sixth session on progress made in implementing the request.

Resource room for treaty bodies

261. The Committee recalled the following paragraphs contained in the report of its third session (E/1989/22):

> "349. The Committee noted that a proposal had been made in the report of the meeting of the Chairpersons of human rights treaty bodies:
>
> > 'to establish a "committee resource room" in the Centre for Human Rights in which the principal documentation of the relevant committees could be kept, as well as copies of the constitutions and other basic legislation of States parties. In addition, relevant reports from other United Nations bodies and other sources could be made available for the information of experts. Such a facility would also facilitate greater interaction among Committee members, which was considered highly desirable. It was noted that virtually all of the documents could be obtained free of charge and that interns could be responsible for arranging and cataloguing the materials, so as not to incur additional staffing costs.'
>
> 350. The Committee believes that such an initiative could be extremely useful and invites the Secretary-General to explore the possibilities and inform it of any developments at its fourth session."

262. It noted with regret that at both its fourth and fifth sessions only vague and non-committal information had been provided in response to this request made by the Chairpersons as well as by the Committee. The view was expressed that this appeared to reflect an inadequate appreciation of the indispensable importance of access to information by members of the various

committees. The Committee therefore requested the Secretary-General to consider the matter once again and to report to it, in writing, at its sixth session.

Response to non-submission of reports

263. The Committee noted, yet again, with regret that 28 States parties had not yet submitted any report whatsoever in accordance with their obligations under the Covenant. It also noted again that many States were long overdue in the submission of reports and had failed to respond to various reminders that had been sent.

264. It was noted that the General Assembly, the Economic and Social Council and the Commission on Human Rights had all expressed their concern about the non-submission of reports and that the matter had been given particular prominence in the report of the third meeting of the persons chairing the human rights treaty bodies (A/45/636 annex, paras. 50 and 51). In view of the fact that the Committee has a greater backlog of overdue reports than any of the other treaty bodies, it was felt that a major effort must be made to encourage States parties to comply with their treaty obligations. In particular, it was felt that a specific request should be directed by the Council to the States which had not submitted even one initial report despite having been parties to the Covenant for over a decade. For this purpose, a draft decision (see chap. I) was proposed for the Council's consideration.

265. At its fourth session the Committee noted that a State party which was experiencing difficulties of a technical nature in preparing its report(s) could request expert assistance for that purpose from the Centre for Human Rights. In that regard, and in light of the requests addressed to it by the Council to identify possible advisory services activities, the Committee decided to recommend that a note verbale be addressed by the Under-Secretary-General for Human Rights to each State party which had not yet submitted any reports requesting it to indicate whether assistance would be of use for that purpose.

Training seminars

266. The Committee took note of the recommendation (A/45/636, annex, para. 73) contained in the report of the third meeting of the persons chairing the human rights treaty bodies:

> "In the context of technical assistance and advisory services programmes organized by the United Nations, a series of seminars or workshops should be organized at the national level for the purpose of training those involved in the preparation of State party reports. Such workshops, if carefully tailored to the needs of the individual State, could reach many more people in each State than regional seminars and be far more cost-effective."

267. The Committee believed that such national level workshops could be of immense value in developing a better understanding of the Covenant, especially in the light of the much more specific reporting guidelines recently adopted by the Committee (See annex IV of the present report). It thus urged the Secretary-General to consider organizing a series of such workshops as soon as possible.

The role of United Nations information offices

268. The Committee noted that the third meeting of persons chairing the human rights treaty bodies (as well as the second meeting, held in 1988) had recommended (A/45/636, annex, para. 69) that each United Nations information office should, on a routine basis, make available all reports submitted to the treaty bodies by the State in whose territory it is located, along with the summary records relating to the examination of the reports. The Secretary-General was requested to report on the implementation of that recommendation in due course.

269. The Committee decided to request the Department of Public Information to inform it as to whether this function was currently being performed and whether any obstacles existed in that regard.

Statistical information

270. The Committee placed on record its gratitude to one of its members Mr. Javier Wimer Zambrano for the compilation of statistics that he had placed at its disposal at each of its recent sessions.

Arrangements with States parties

271. The Committee requested the Secretariat to draw the attention of each State party to the Covenant to the revised reporting guidelines (see annex IV) and to request them to follow those guidelines, to the greatest extent possible, in their future reports.

272. The Committee also requested the Secretariat to ensure that the list of questions prepared by its pre-sessional working groups was, in future, handed over in person to a representative of the State concerned. At the same time a copy of the report of the Committee's most recent session should be made available and the State party's particular attention drawn to the chapter of the report entitled "Overview of the present working methods of the Committee."

Day of general discussion

273. The Committee decided that at its sixth session a day of general discussion would be held on Monday, 9 December 1991, devoted to the topic of social and economic indicators pertaining to the work of the Committee. For this purpose, the Committee agreed to invite all interested agencies and

individual experts to participate in its general discussion. The report by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/19) and the UNDP Human Development Report 1990 and Human Development Report 1991 would be among the documents to be discussed for this purpose.

Procedure to be followed in examining additional information

274. The Committee received supplementary information for Zaire (E/1989/5), France (E/1989/5/Add.1), Netherlands (E/1989/5/Add.2) and Colombia (E/1989/5/Add.3) as a follow-up to the discussion of their reports. Other supplementary information had already been announced (Jamaica) or was likely to reach the Committee later.

275. The procedure to be followed to review such supplementary information was, therefore, raised. First, it became clear that to wait until after the following periodic report had been discussed would not be suitable, in view of the excessively long time-lag (at least five years). It was, therefore, decided to discuss the supplementary information at the Committee's next session, in the order in which it had been received.

276. The Committee would therefore discuss the supplementary information submitted by Zaire, France, Netherlands, Colombia and Jamaica at its sixth session to be held in 1991.

277. The Committee was also of the opinion that the time allotted for the discussion of the supplementary information should not exceed 45 minutes. It was also considered essential that the State party should be informed accordingly so as to afford it the opportunity to attend. Lastly, the Committee was of the view that the first speaker should be the expert who had prepared the concluding observations of the Committee when the report had been discussed.

Sources of information

278. The Committee has consistently noted in its various reports that access to all relevant sources of information pertaining to economic, social and cultural rights is essential in order to enable it to discharge its monitoring functions effectively. At its fifth session it also noted that the conclusions adopted by the 3rd meeting of the persons chairing the human rights treaty bodies underlined the fact that "each of the treaty bodies should have access to all of the sources of information that it feels it needs in order to be effective". It was also concluded that "in this regard, information provided by non-governmental organizations can be of major importance" (A/45/636, annex, para. 68).

279. In addition the Committee took note of the fact that the Commission on Human Rights, in paragraph 9 of its resolution 1990/17, had urged "States parties, the specialized agencies and non-governmental organizations to contribute actively to the Committee's work through the various opportunities provided for in both written statements and oral interventions".

280. In order to improve the range and the number of sources of information available to it the Committee decided to invite all concerned bodies and individuals to submit relevant and appropriate documentation to it. Such information should be provided to the secretariat which would, in turn make it available to the members of the Committee. For this purpose the Committee decided to request the secretariat to establish a separate file in respect to each of the States parties whose reports were currently pending consideration. All available information on the country concerned should be included in the file. In particular the Committee requested the secretariat to ensure that the following information was placed in the relevant files and was available in time for the meeting of the pre-sessional working group:

(a) Information on the country available in any reports contained in the recent documentation of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

(b) Information taken from the two most recent annual reports of the bodies concerned, on the consideration of any reports by the State concerned by the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women;

(c) Information on the country concerned contained in the two most recent reports of the ILO Committee on the Application of Conventions and Recommendations in so far as they concern conventions which are of direct relevance to the provisions of the Covenant;

(d) Any relevant information on the situation in the country concerned which is available from the World Health Organization;

(e) The relevant statistical information on the country concerned contained in the relevant statistical tables printed in the most recent issue of the World Bank's World Development Report and UNICEF's report on the State of the World's Children;

(f) The text of any report submitted to the United Nations or one of its specialized agencies to which specific reference is made by the State party in its report to the Committee; and

(g) Any other relevant documentation submitted to the secretariat for inclusion in the file.

281. The Committee decided that these files should be maintained on a continuing basis and that a new file should be added whenever a new report was received for consideration by the Committee. The Committee noted that an information base of this type was indispensable to enable it to carry out its monitoring functions effectively.

Responsibilities of the secretariat

282. The Committee noted that it required appropriate services to be provided to it by its secretariat in order to ensure that it was able to carry out its work satisfactorily. It therefore requested that, in addition to the establishment and maintenance of the files referred to above, the secretariat should also prepare for each session of the pre-sessional working group a table indicating which issues, if any, identified in its reporting guidelines appeared not to have been addressed by the report provided by each State party whose report was before the working group.

283. In addition, the secretariat should continue to ensure that a dossier was prepared for the use of the Rapporteur, or another designated member of the Committee, in order to provide the documentary basis for a general overview of current developments of relevance to the Committee to be provided to the Committee during the first week of each session.

Relations with other bodies

284. In order to facilitate its consideration of the work of the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as it related directly to the work of the Committee, the Committee requested the Secretary-General to provide its members at each session with all excerpts relevant to that work from the Summary Records of those bodies.

Discussion notes

285. The Committee discussed in general terms the question of drafting an Optional Protocol to the Covenant on Economic, Social and Cultural Rights which would permit the submission of communications pertaining to some or all of the rights recognized in the Covenant. In order to assist it in further consideration of this possibility, the Committee requested its Rapporteur to provide it, at its sixth session, with a discussion note outlining the principal issues that would appear to arise in that connection.

286. The Committee also requested one of its members, Mrs. María de los Angeles Jiménez Butragueño, to provide it, at its sixth session, with a discussion note on the problems of the elderly as they related to the realization of the rights recognized in the Covenant.

Chapter VII

ADOPTION OF THE REPORT

287. At its 49th and 50th meetings, held on 13 and 14 December 1990, the Committee considered its draft report (E/C.12/1990/CRP.4 and Add.1-11 and CRP.5 and Add.1-3) to the Economic and Social Council on the work of its fifth session. The Committee adopted the report as amended in the course of the discussion.

Notes

1/ See Council decision 1986/150, para. 2.

2/ See E/C.12/1988/SR.23, paras. 6 and 7.

ANNEXES

Annex I

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1988 (LX), DECISION 1985/132 AND RESOLUTION 1988/4

(As of 14 December 1990)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
1. Afghanistan	24 April 1983	E/1984/6/Add.12 (Pending consideration)	Overdue	Overdue	Overdue	-	-
2. Algeria	12 December 1989	c/	c/	c/	-	-	-
3. Argentina	8 November 1986	Overdue	c/	E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)	-	-	-
4. Australia	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	Overdue
5. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/SR.8)	E/1982/3/Add.37 (E/C.12/1988/SR.3)	-	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/SR.4 and 7)	Overdue
6. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue	Overdue	Overdue
7. Belgium	21 July 1983	Overdue	Overdue	Overdue	Overdue	-	-
8. Bolivia	12 November 1982	Overdue	Overdue	Overdue	Overdue	-	-
9. Bulgaria	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	Overdue
10. Burundi	9 August 1990	c/	c/	c/	-	-	-
11. Byelorussian SSR	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (Pending consideration)
12. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue	-	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
13. Canada	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/SR.8 and 11)	Overdue	Overdue
14. Central African Republic	8 August 1981	Overdue	Overdue	Overdue	-	-	Overdue
15. Chile	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12, 13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12, 13 and 16)	Overdue
16. Colombia	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (Pending consideration)
17. Congo	5 January 1984	Overdue	Overdue	Overdue	-	-	-
18. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/ SR.38, 40, 41 and 43)	E/1990/5/Add.3 (E/C.12/1990/ SR.38, 40, 41 and 43)	E/1990/5/Add.3 (E/C.12/1990/ SR.38, 40, 41 and 43)	Overdue	Overdue	Overdue
19. Cyprus	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/SR.2, 3 and 5)	Overdue
20. Czechoslovakia	23 March 1976	E/1978/8/Add.18 (E/1981/WG.1/ SR.1-2)	E/1980/6/Add.21 (E/1981/WG.1/SR.3)	E/1982/3/Add.18 (E/1983/WG.1/ SR.6-7)	E/1984/7/Add.25 (E/C.12/1987/ SR.12-15)	E/1986/4/Add.15 (E/C.12/1987/ SR.12-15)	E/1990/7/Add.6 (Pending consideration)
21. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (Pending consideration)	Overdue	-	-
22. Denmark	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	Overdue
23. Dominican Republic	4 April 1978	E/1990/5/Add.4 E/C.12/1990/ SR.43-45 and 47)	E/1990/5/Add.4 E/C.12/1990/ SR.43-45 and 47)	E/1990/5/Add.4 E/C.12/1990/ SR.43-45 and 47)	-	Overdue	Overdue
24. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 (E/C.12/1990/ SR.37-39 and 42)	E/1988/5/Add.7 (E/C.12/1990/ SR.37-39 and 42)	E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
25. Egypt	14 April 1982	Overdue	Overdue	Overdue	Overdue	-	-
26. El Salvador	29 February 1980	Overdue	Overdue	Overdue	-	-	Overdue
27. Equatorial Guinea	25 December 1987	Overdue	Overdue	c/	-	-	-
28. Finland	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1/ SR.8, 9 and 11)	E/1990/7/Add.1 (Pending consideration)
29. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18, 19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	-	-	-
30. Gabon	21 April 1983	Overdue	Overdue	Overdue	Overdue	-	-
31. Gambia	29 March 1979	Overdue	Overdue	Overdue	-	Overdue	Overdue
32. Germany d/	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22, 23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	Overdue
33. Greece	16 August 1985	Overdue	c/	Overdue	-	-	-
34. Guatemala	19 August 1988	Overdue	c/	c/	-	-	-
35. Guinea	24 April 1978	Overdue	Overdue	Overdue	-	Overdue	-
36. Guyana	15 May 1977	Overdue	Overdue	E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/SR.6)	Overdue	Overdue	Overdue
37. Honduras	17 May 1981	Overdue	Overdue	Overdue	-	-	-
38. Hungary	3 January 1976	E/1978/8/Add.7 (E/1986/WG.1/SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6, 7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6, 7 and 9)	E/1990/7/Add.10 (Pending consideration)
39. Iceland	22 November 1979	Overdue	Overdue	Overdue	-	-	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
40. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16, 17 and 19)	-	Overdue	Overdue
41. Iran (Islamic Republic of)	3 January 1976	E/1978/8/Add.2 e/	Overdue	E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue	Overdue	Overdue
42. Iraq	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)	Overdue	E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	Overdue
43. Ireland	8 March 1990	c/	c/	c/	-	-	-
44. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)	f/	f/	f/	f/
45. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	Overdue
46. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20, 21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	-	-	-
47. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1990/ SR.30-32)	Overdue	Overdue	Overdue
48. Kenya	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue
49. Korea	10 July 1990	c/	c/	c/	-	-	-
50. Lebanon	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue
51. Libyan Arab Jamahiriya	3 January 1976	Overdue	Overdue	E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)	Overdue	Overdue	Overdue
52. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/ SR.33-36)	E/1990/5/Add.1 (E/C.12/1990/ SR.33-36)	E/1990/5/Add.1 (E/C.12/1990/ SR.33-36)	Overdue	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
53. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2, 3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
54. Mali	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue
55. Malta	13 December 1990	c/	c/	c/	-	-	-
56. Mauritius	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue
57. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	-	-	-
58. Mongolia	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
59. Morocco	3 August 1979	Overdue	Overdue	Overdue	-	Overdue	Overdue
60. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	-	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	Overdue
61. New Zealand	28 March 1979	g/	g/	g/	-	Overdue	Overdue
62. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16, 17 and 19)	E/1986/3/Add.15 (Pending consideration)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	-	-	-
63. Niger	7 June 1986	Overdue	c/	Overdue	-	-	-
64. Norway	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (Pending consideration)
65. Panama	8 June 1977	E/1984/6/Add.19 (Pending consideration)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (Pending consideration)	Overdue	E/1986/4/Add.22 (Pending consideration)	Overdue
66. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	Overdue	Overdue	-	Overdue	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
67. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	Overdue	E/1988/5/Add.2 (E/C.12/1990/ SR.8, 9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)	Overdue	Overdue
68. Poland	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (Pending consideration)
69. Portugal	31 October 1978	E/1984/6/ Add.16 h/	E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	-	Overdue	Overdue
70. Romania	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	Overdue
71. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
72. Saint Vincent and the Grenadines	9 February 1982	Overdue	Overdue	Overdue	Overdue	-	-
73. San Marino	18 January 1986	Overdue	c/	Overdue	-	-	-
74. Senegal	13 May 1978	Overdue	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	-	Overdue	Overdue
75. Solomon Islands	17 March 1982	Overdue	Overdue	Overdue	Overdue	-	-
76. Somalia	24 April 1990	c/	c/	c/	-	-	-
77. Spain	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (Pending consideration)
78. Sri Lanka	11 September 1980	Overdue	Overdue	Overdue	-	-	Overdue
79. Sudan	18 June 1986	Overdue	c/	Overdue	-	-	-
80. Suriname	28 March 1977	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
81. Sweden	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (Pending consideration)
82. Syrian Arab Republic	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)	Overdue	f/	f/	f/
83. Togo	24 August 1984	Overdue	Overdue	Overdue	-	-	-
84. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21 (E/C.12/1989/ SR.17-19)	E/1986/3/Add.11 (E/C.12/1989/ SR.17-19)	E/1988/5/Add.1 (E/C.12/1989/ SR.17-19)	-	Overdue	Overdue
85. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)	Overdue	Overdue	Overdue	Overdue
86. Uganda	21 April 1987	Overdue	c/	Overdue	-	-	-
87. Ukrainian SSR	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	Overdue
88. Union of Soviet Socialist Republics	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (Pending consideration)
89. United Kingdom of Great Britain and Northern Ireland	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17)	Overdue
90. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1981/WG.1/ SR.5)	Overdue	Overdue	Overdue	Overdue
91. Uruguay	3 January 1976	Overdue	Overdue	Overdue	Overdue	Overdue	Overdue
92. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7, 8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	-	Overdue	Overdue
93. Viet Nam	24 December 1982	Overdue	Overdue	Overdue	Overdue	-	-

Annex I (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9 Due 1/9/77 or 1/9/83 a/	Articles 10-12 Due 1/9/79 or 1/9/85 a/	Articles 13-15 Due 1/9/81 or 1/9/87 a/	Articles 6-9 Due 1/9/83	Articles 10-12 Due 1/9/86 b/	Articles 13-15 Due 1/9/89 b/
		(Summary records of consideration of reports)			(Summary records of consideration of reports)		
94. Yemen i/	9 May 1987	g/	g/	g/	-	-	-
95. Yugoslavia	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
96. Zaire	1 February 1977	E/1984/6/Add.18 (E/C.12/1988/ SR.16-19)	E/1986/3/Add.7 (E/C.12/1988/ SR.16-19)	E/1982/3/Add.41 (E/C.12/1988/ SR.16-19)	Overdue	Overdue	Overdue
97. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4, 5 and 7)	Overdue	-	-	-

a/ Depending on date of entry into force.

b/ See Economic and Social Council decision 1985/132 of 28 May 1985.

c/ Not yet due.

d/ By letter of 27 September 1990, the Secretary-General was informed by the Prime Minister of the German Democratic Republic "that the People's Chamber of the German Democratic Republic has declared the accession, as at 3 October 1990, of the German Democratic Republic to the scope of the Basic Law of the Federal Republic of Germany [...] so as to unite Germany in a single State.". In a letter dated 3 October 1990, the Federal Minister for Foreign Affairs of the Federal Republic of Germany informed the Secretary-General "that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States have united to form one sovereign State [...] As from the date of the unification, the Federal Republic of Germany will act in the United Nations under the designation 'Germany'".

e/ Withdrawn.

f/ State party has submitted its second periodic report in accordance with the new reporting programme approved by the Economic and Social Council in paragraph 6 of its resolution 1988/4 of 24 May 1988 (pending consideration by the Committee).

g/ State party has submitted its initial report in accordance with the new reporting programme approved by the Economic and Social Council in paragraph 6 of its resolution 1988/4 of 24 May 1988 (pending consideration by the Committee).

h/ Not yet issued for technical reasons, in consultation with the reporting State.

i/ On 22 May 1990 Democratic Yemen and Yemen merged to form a single State. Since that date they have been represented as one Member with the name "Yemen". Democratic Yemen had acceded to the Covenant on 9 May 1987. Yemen was not a State party to the Covenant.

Annex II

MEMBERSHIP OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Name of member expires on 31 December	Country of nationality	Term
Mr. Philip ALSTON	Australia	1990
Mr. Juan ALVAREZ VITA	Peru	1992
Mr. Ibrahim Ali BADAWI EL SHEIKH	Egypt	1990
Mr. Mohamed Lamine FOFANA	Guinea	1992
Mr. Sami GLAIEL	Syrian Arab Republic	1990
Mrs. María de los Angeles JIMENEZ BUTRAGUENO	Spain	1992
Mr. Samba Cor KONATE	Senegal	1992
Mr. Valeri I. KOUZNETSOV	Union of Soviet Socialist Republics	1990
Mr. Jaime Alberto MARCHAN ROMERO	Ecuador	1990
Mr. Vassil MRATCHKOV	Bulgaria	1992
Mr. Alexandre MUTERAHEJURU	Rwanda	1990
Mr. Wladyslaw NENEMAN	Poland	1992
Mr. Kenneth Osborne RATTRAY	Jamaica	1992
Mr. Bruno SIMMA	Germany	1990
Mr. Mikis Demetriou SPARSIS	Cyprus	1992
Ms. Chikako TAYA	Japan	1990
Mr. Philippe TEXIER	France	1992
Mr. Javier WIMER ZAMBRANO	Mexico	1990

Annex III

GENERAL COMMENT No. 3 (1990)

The nature of States parties obligations (art. 2, para. 1 of the Covenant)

1. Article 2 is of particular importance to a full understanding of the Covenant and must be seen as having a dynamic relationship with all of the other provisions of the Covenant. It describes the nature of the general legal obligations undertaken by States parties to the Covenant. Those obligations include both what may be termed (following the work of the International Law Commission) obligations of conduct and obligations of result. While great emphasis has sometimes been placed on the difference between the formulations used in this provision and that contained in the equivalent article 2 of the International Covenant on Civil and Political Rights, it is not always recognized that there are also significant similarities. In particular, while the Covenant provides for progressive realization and acknowledges the constraints due to the limits of available resources, it also imposes various obligations which are of immediate effect. Of these, two are of particular importance in understanding the precise nature of States parties obligations. One of these, which is dealt with in a separate General Comment, and which is to be considered by the Committee at its sixth session, is the "undertaking to guarantee" that relevant rights "will be exercised without discrimination...".

2. The other is the undertaking in article 2 (1) "to take steps", which in itself, is not qualified or limited by other considerations. The full meaning of the phrase can also be gauged by noting some of the different language versions. In English the undertaking is "to take steps", in French it is "to act" ("s'engage à agir") and in Spanish it is "to adopt measures" ("a adoptar medidas"). Thus while the full realization of the relevant rights may be achieved progressively, steps towards that goal must be taken within a reasonably short time after the Covenant's entry into force for the States concerned. Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant.

3. The means which should be used in order to satisfy the obligation to take steps are stated in article 2 (1) to be "all appropriate means, including particularly the adoption of legislative measures". The Committee recognizes that in many instances legislation is highly desirable and in some cases may even be indispensable. For example, it may be difficult to combat discrimination effectively in the absence of a sound legislative foundation for the necessary measures. In fields such as health, the protection of children and mothers, and education, as well as in respect of the matters dealt with in articles 6 to 9, legislation may also be an indispensable element for many purposes.

4. The Committee notes that States parties have generally been conscientious in detailing at least some of the legislative measures that they have taken in this regard. It wishes to emphasize, however, that the adoption of legislative measures, as specifically foreseen by the Covenant, is by no means exhaustive of the obligations of States parties. Rather, the phrase "by all appropriate means" must be given its full and natural meaning. While each State party must decide for itself which means are the most appropriate under the circumstances with respect to each of the rights, the "appropriateness" of the means chosen will not always be self-evident. It is therefore desirable that States parties reports should indicate not only the measures that have been taken but also the basis on which they are considered to be the most "appropriate" under the circumstances. However, the ultimate determination as to whether all appropriate measures have been taken remains one for the Committee to make.

5. Among the measures which might be considered appropriate, in addition to legislation, is the provision of judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justiciable. The Committee notes, for example, that the enjoyment of the rights recognized, without discrimination, will often be appropriately promoted, in part, through the provision of judicial or other effective remedies. Indeed, those States parties which are also parties to the International Covenant on Civil and Political Rights are already obligated (by virtue of arts. 2 (paras. 1 and 3) 3 and 26) of that Covenant to ensure that any person whose rights or freedoms (including the right to equality and non-discrimination) recognized in that Covenant are violated, "shall have an effective remedy" (art. 2 (3) (a)). In addition, there are a number of other provisions in the International Covenant on Economic, Social and Cultural Rights, including articles 3, 7 (a) (i), 8, 10 (3), 13 (2) (a), (3) and (4) and 15 (3) which would seem to be capable of immediate application by judicial and other organs in many national legal systems. Any suggestion that the provisions indicated are inherently non-self-executing would seem to be difficult to sustain.

6. Where specific policies aimed directly at the realization of the rights recognized in the Covenant have been adopted in legislative form, the Committee would wish to be informed, inter alia, as to whether such laws create any right of action on behalf of individuals or groups who feel that their rights are not being fully realized. In cases where constitutional recognition has been accorded to specific economic, social and cultural rights, or where the provisions of the Covenant have been incorporated directly into national law, the Committee would wish to receive information as to the extent to which these rights are considered to be justiciable (i.e. able to be invoked before the courts). The Committee would also wish to receive specific information as to any instances in which existing constitutional provisions relating to economic, social and cultural rights have been weakened or significantly changed.

7. Other measures which may also be considered "appropriate" for the purposes of article 2 (1) include, but are not limited to, administrative, financial, educational and social measures.

8. The Committee notes that the undertaking "to take steps ... by all appropriate means including particularly the adoption of legislative measures" neither requires nor precludes any particular form of government or economic system being used as the vehicle for the steps in question, provided only that it is democratic and that all human rights are thereby respected. Thus, in terms of political and economic systems the Covenant is neutral and its principles cannot accurately be described as being predicated exclusively upon the need for, or the desirability of a, socialist or a capitalist system, or a mixed, centrally planned, or *laisser-faire* economy, or upon any other particular approach. In this regard, the Committee reaffirms that the rights recognized in the Covenant are susceptible of realization within the context of a wide variety of economic and political systems, provided only that the interdependence and indivisibility of the two sets of human rights, as affirmed *inter alia* in the preamble to the Covenant, is recognized and reflected in the system in question. The Committee also notes the relevance in this regard of other human rights and in particular the right to development.

9. The principal obligation of result reflected in article 2 (1) is to take steps "with a view to achieving progressively the full realization of the rights recognized" in the Covenant. The term "progressive realization" is often used to describe the intent of this phrase. The concept of progressive realization constitutes a recognition of the fact that full realization of all economic, social and cultural rights will generally not be able to be achieved in a short period of time. In this sense the obligation differs significantly from that contained in article 2 of the International Covenant on Civil and Political Rights which embodies an immediate obligation to respect and ensure all of the relevant rights. Nevertheless, the fact that realization over time, or in other words progressively, is foreseen under the Covenant should not be misinterpreted as depriving the obligation of all meaningful content. It is on the one hand a necessary flexibility device, reflecting the realities of the real world and the difficulties involved for any country in ensuring full realization of economic, social and cultural rights. On the other hand, the phrase must be read in the light of the overall objective, indeed the raison d'être, of the Covenant which is to establish clear obligations for States parties in respect of the full realization of the rights in question. It thus imposes an obligation to move as expeditiously and effectively as possible towards that goal. Moreover, any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.

10. On the basis of the extensive experience gained by the Committee, as well as by the body that preceded it, over a period of more than a decade of

examining States parties reports the Committee is of the view that a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant. If the Covenant were to be read in such a way as not to establish such a minimum core obligation, it would be largely deprived of its raison d'être. By the same token, it must be noted that any assessment as to whether a State has discharged its minimum core obligation must also take account of resource constraints applying within the country concerned. Article 2 (1) obligates each State party to take the necessary steps "to the maximum of its available resources". In order for a State party to be able to attribute its failure to meet at least its minimum core obligations to a lack of available resources it must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations.

11. The Committee wishes to emphasize, however, that even where the available resources are demonstrably inadequate, the obligation remains for a State party to strive to ensure the widest possible enjoyment of the relevant rights under the prevailing circumstances. Moreover, the obligations to monitor the extent of the realization, or more especially of the non-realization, of economic, social and cultural rights, and to devise strategies and programmes for their promotion, are not in any way eliminated as a result of resource constraints. The Committee has already dealt with these issues in its General Comment No. 1 (1989).

12. Similarly, the Committee underlines the fact that even in times of severe resources constraints whether caused by a process of adjustment, of economic recession, or by other factors the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes. In support of this approach the Committee takes note of the analysis prepared by UNICEF entitled Adjustment with a human face: protecting the vulnerable and promoting growth, a/ the analysis by UNDP in its Human Development Report 1990 b/ and the analysis by the World Bank in the World Development Report 1990. c/

13. A final element of article 2 (1), to which attention must be drawn, is that the undertaking given by all States parties is "to take steps, individually and through international assistance and co-operation, especially economic and technical ...". The Committee notes that the phrase "to the maximum of its available resources" was intended by the drafters of the Covenant to refer to both the resources existing within a State and those available from the international community through international co-operation and assistance. Moreover, the essential role of such co-operation in facilitating the full realization of the relevant rights is further underlined by the specific provisions contained in articles 11, 15, 22 and 23. With

respect to article 22 the Committee has already drawn attention, in General Comment No. 2 (1990), to some of the opportunities and responsibilities that exist in relation to international co-operation. Article 23 also specifically identifies "the furnishing of technical assistance" as well as other activities, as being among the means of "international action for the achievement of the rights recognized ...".

14. The Committee wishes to emphasize that in accordance with Articles 55 and 56 of the Charter of the United Nations, with well-established principles of international law, and with the provisions of the Covenant itself, international co-operation for development and thus for the realization of economic, social and cultural rights is an obligation of all States. It is particularly incumbent upon those States which are in a position to assist others in this regard. The Committee notes in particular the importance of the Declaration on the Right to Development adopted by the General Assembly in its resolution 41/128 of 4 December 1986 and the need for States parties to take full account of all of the principles recognized therein. It emphasizes that, in the absence of an active programme of international assistance and co-operation on the part of all those States that are in a position to undertake one, the full realization of economic, social and cultural rights will remain an unfulfilled aspiration in many countries. In this respect, the Committee also recalls the terms of its General Comment No. 2 (1990).

Notes

a/ G.A. Cornia, R. Jolly and F. Stewart, eds., Oxford, Clarendon Press, 1987.

b/ Oxford, Oxford University Press, 1990.

c/ Oxford, Oxford University Press, 1990.

Annex IV

Revised guidelines regarding the form and contents of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

A. General part of the report

1. Country profile

(a) Land and people

This section should contain information on the main geographic, ethnic, linguistic, demographic and religious characteristics of the country and its population.

(b) General political structure

This section should briefly describe the political history and framework, the type of Government and the organization of the executive, legislative and judicial organs.

(c) Economic, social and cultural characteristics

This section should include information on such indicators as gross national product (GNP) per capita income, functional distribution of income (i.e., relation of labour/capital income proportion in the public and private sectors of economy), rate of inflation, balances of trade and payment, external debt, rate of unemployment and literacy rate.

(d) General legal framework within which human rights are protected

This section should contain information on:

(i) Which judicial, administrative or other competent authorities have jurisdiction affecting human rights;

(ii) What remedies are available to an individual who claims that any of his/her rights have been violated; and what systems of compensation exist for victims;

(iii) Whether any of the rights referred to in the various Conventions are protected either in the Constitution or by separate legislation and, if so, whether provisions exist in the Constitution or such specific legislation for derogations and under what circumstances;

(iv) Whether the provisions of the various international human rights instruments can be invoked before, and directly enforced by, the courts, other tribunals or administrative authorities or whether they have been transformed into internal laws or administrative regulations in order to be enforced by the authorities concerned.

2. Information and publicity concerning the International Covenant on Economic, Social and Cultural Rights and the country's reports to the Committee

(a) In what manner and to what extent has the text of the Covenant been disseminated? Has it been translated into local languages and how have copies of such translations been distributed? Is assistance from the United Nations required in this regard (if so, please specify)?

(b) What Government agencies prepared the report? Were inputs sought or received from any sources other than from the Government?

(c) How widely available is the report at the domestic level? Has its content been the subject of public debate?

3. Legal status and specific implementation of the International Covenant on Economic, Social and Cultural Rights

(In so far as not fully dealt with under section 1 (d) above.)

(a) In what manner has the right to self-determination been implemented?

(b) What is the status of the Covenant in domestic law? Are any of the rights contained in the Covenant directly applicable by courts and other authorities? Give details of such application.

(c) Which of the rights stipulated in the Covenant are recognized in the Constitution or other legislation? Attach the texts of such provisions and give details of their application by courts and other authorities.

(d) Which of the rights are specifically subject to non-discrimination provisions in national law? Attach the text of such provisions.

(e) Has the ratification of the Covenant given rise to any modification of the relevant domestic law?

(f) To what extent and in what manner are non-nationals not guaranteed the rights recognized in the Covenant? What justification is there for any difference?

4. The role of international co-operation in the implementation of the International Covenant on Economic, Social and Cultural Rights

If your State participates in development co-operation, is any effort made to ensure that it is used, on a priority basis, to promote the realization of economic, social and cultural rights?

B. Part of the report relating to specific rights

Article 6 of the Covenant

1. If your State is a party to any of the following Conventions:

International Labour Organisation (ILO) Employment Policy Convention, 1964 (No. 122)

ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

International Convention on the Elimination of all Forms of Racial Discrimination

Convention on the Elimination of all Forms of Discrimination Against Women

and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 6, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

2. (a) Please supply information on the situation, level and trends of employment, unemployment and underemployment in your country, in respect of both the aggregate and particular categories of workers such as women, young persons, older workers and disabled workers. Please compare the respective situation 10 years ago and 5 years ago. Which persons, groups, regions or areas do you consider particularly vulnerable or disadvantaged with regard to employment?

(b) Please describe the principal policies pursued and measures taken with a view to ensuring that there is work for all who are available for and seeking work.

(c) Please indicate what measures have been adopted to ensure that work is as productive as possible.

(d) Please indicate what provisions ensure that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual.

(e) Please describe the technical and vocational training programmes that exist in your country, their effective mode of operation and their practical availability.

(f) Please state whether particular difficulties have been encountered in attaining the objectives of full, productive and freely chosen employment, and indicate how far these difficulties have been overcome.

3. (a) Please indicate whether there exist in your country any distinctions, exclusions, restrictions or preferences, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation. What steps are taken to eliminate such discrimination?

(b) Please supply information on the actual situation in your country regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.

(c) Please indicate the main cases in which a distinction, exclusion or preference based on any of the above-named conditions is not considered in your country as discrimination, owing to the inherent requirements of a particular job. Please indicate any difficulties in application, disputes or controversies which have arisen in relation to such conditions.

4. Please indicate what proportion of the working population of your country holds more than one full-time job in order to secure an adequate standard of living for themselves and their families. Describe this development over time.

5. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to work.

6. Please indicate the role of international assistance in the full realization of the right enshrined in article 6.

Article 7 of the Covenant

1. If your State is a party to any of the following ILO Conventions:

Minimum Wage-Fixing Convention, 1970 (No. 131)

Equal Remuneration Convention, 1951 (No. 100)

Weekly Rest (Industry) Convention, 1921 (No. 14)

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)

Holidays with Pay Convention (Revised), 1970 (No. 132)

Labour Inspection Convention, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Occupational Safety and Health Convention, 1981 (No. 155)

and has already submitted reports to the ILO Committee of Experts on the Application of Conventions and Recommendations which are relevant to the provisions of article 7 you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt within the present report.

2. (a) Please supply information on the principal methods used for fixing wages.

(b) Please indicate whether a system of minimum wages has been established, and specify the groups of wage earners to which it applies, the number of persons covered by each group as well as the competent authority for determining these groups. Are there any wage earners remaining outside the protection of the system of minimum wages in law or in fact?

(i) Do these minimum wages have the force of law and in which ways are they secured against erosion?

(ii) To what extent and by which methods are the needs of workers and their families as well as economic factors taken into consideration and reconciled with each other in determining the level of minimum wages? What standards, goals and bench-marks are relevant in this respect?

(iii) Please describe briefly the machinery set up for fixing, monitoring and adjusting minimum wages;

(iv) Please supply information on the development of average and minimum wages 10 years ago, 5 years ago and at present, set against the respective development of the cost of living;

(v) Please indicate whether, in practice, the system of minimum wages is supervised effectively.

(c) Please indicate whether there exists in your country any inequality in remuneration for work of equal value, infringements of the principle of equal pay for equal work, or conditions of work for women which are inferior to those enjoyed by men.

(i) What steps are taken to eliminate such discrimination? Please describe the successes and failures of these steps with regard to the various groups that are discriminated against;

(ii) Please indicate what methods, if any, have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed.

(d) Please indicate the income distribution of employees, both in the public and private sector taking into account both remuneration and non-monetary benefits. If available, give data on the remuneration of comparable jobs in the public and private sector.

3. What legal, administrative or other provisions exist that prescribe minimum conditions of occupational health and safety. How are these provisions enforced in practice and in which areas do they not apply?

(a) Please indicate which categories of workers, if any, are excluded from existing schemes by law and what other categories benefit from such schemes only insufficiently or not at all.

(b) Please provide statistical or other information on how the number, nature and frequency of occupational accidents (particularly with fatal results) and diseases have developed over time (10 years ago, 5 years as compared with the present).

4. Please supply information on the actual realization in your country of the principle of equal opportunity for promotion.

(a) Which groups of workers are currently deprived of such equal opportunity? In particular, what is the situation of women in this respect?

(b) What steps are taken to eliminate such inequality? Please describe the successes and failures of these steps with regard to the various disadvantaged groups.

5. Please describe the laws and practices in your country regarding rest, leisure, reasonable limitations of working hours, periodic holidays with pay and remuneration for public holidays.

(a) Indicate the factors and difficulties affecting the degree of realization of these rights.

(b) Indicate which categories of workers are excluded by law or in practice, or both, from the enjoyment of which of these rights. What measures are contemplated or currently taken to remedy this situation?

6. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, or administrative rules, procedures and practices during the reporting period affecting the right to just and favourable conditions of work.

7. Please indicate the role of international assistance in the full realization of the right enshrined in article 7.

Article 8 of the Covenant

1. If your State is a party to any of the following Conventions:

International Covenant on Civil and Political Rights

ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

ILO Labour Relations (Public Service) Convention, 1978 (No. 151)

and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 8, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

2. Please indicate what substantive or formal conditions, if any, must be fulfilled in order to join and form the trade union of one's choice.

(a) Please specify whether there exist any special legal provisions regarding the establishment of trade unions by certain categories of workers and, eventually, what these special provisions are, how they have been applied in practice, as well as the number of persons subjected to them.

(b) Are there any restrictions placed upon the exercise of the right to join and form trade unions by workers? Please provide a detailed account of the legal provisions prescribing such restrictions and their application in practice over time.

(c) Please supply information on how your Government secures the right of trade unions to federate and join international trade union organizations. What legal and practical restrictions are placed upon the exercise of this right?

(d) Please indicate in detail what conditions or limitations are placed upon the right of trade unions to function freely. Which trade unions have been adversely affected in practice by these conditions or limitations? What measures are being taken to promote free collective bargaining?

(e) Please supply data on the number and structure of trade unions established in your country, and on their respective membership.

3. Please indicate whether in your country workers are granted the possibility to strike as a matter of constitutional or legal right. If your answer is in the negative, what other legal or factual approach is used to guarantee the exercise of this right?

(a) What restrictions are placed upon the exercise of the right to strike? Please provide a detailed account of the legal provisions governing such restrictions and their application in practice over time.

(b) Please indicate whether there exist any special legal provisions regarding the exercise of the right to strike by certain categories of workers and what these special provisions are, how they have been applied in practice, as well as the number of workers subjected to them.

4. Please indicate whether any restrictions are placed upon the exercise of the rights mentioned in paragraphs 2 and 3 above by members of the armed forces, the police or the administration of the State. How have such restrictions been applied in actual practice?

5. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the rights enshrined in article 8.

Article 9 of the Covenant

1. If your State is a party to the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) or to other relevant subsequent ILO Conventions (Nos. 121, 128, 130 and 168) and has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 9, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in those reports should be dealt with in the present report.

2. Please indicate which of the following branches of social security exist in your country:

Medical care

Cash sickness benefits

Maternity benefits

Old-age benefits

Invalidity benefits

Survivors' benefits

Employment injury benefits

Unemployment benefits

Family benefits.

3. Please describe for each branch existing in your country the main features of the schemes in force, indicating the comprehensiveness of the coverage provided, both in the aggregate and with respect to different groups within the society, the nature and level of benefits, and the method of financing the schemes.

4. Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on social security. How does this compare with the situation 10 years ago? What reasons are there for any changes?

5. Please indicate whether in your country the formal (public) social security schemes described are supplemented by any informal (private) arrangements. If such is the case, please describe these arrangements and the inter-relationships between them and the formal (public) schemes.

6. Please indicate whether in your country there are any groups which do not enjoy the right to social security at all or which do so to a significantly lesser degree than the majority of the population. In particular, what is the situation of women in that respect? Please give particulars of such non-enjoyment of social security.

(a) Please indicate what measures are regarded as necessary by your Government in order to realize the right to social security for the groups mentioned above.

(b) Please explain the policy measures your Government has taken, to the maximum of its available resources, to implement the right to social security for these groups. Give a calendar and time-related bench-marks for measuring your achievements in this regard.

(c) Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report the successes, problems and shortcomings of such measures.

7. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to social security.

8. Please indicate the role of international assistance in the full realization of the right enshrined in article 9.

Article 10 of the Covenant

1. If your State is a party to any of the following Conventions:

International Covenant on Civil and Political Rights

Convention on the Rights of the Child

Convention on the Elimination of all Forms of Discrimination Against Women

ILO Maternity Protection Convention (Revised) 1952 (No. 103)

ILO Minimum Age Convention, 1973 (No. 138)

or to any other ILO convention on the protection of children and young persons in relation to employment and work, and if your Government has already submitted reports to the supervisory committee(s) concerned which are relevant to the provisions of article 10, you may wish to refer to the respective parts of those reports rather than repeat the information here. However, all matters which arise under the present Covenant and are not covered fully in these reports should be dealt with in the present report.

2. Please indicate what meaning is given in your society to the term "family".

3. Please indicate the age at which in your country children are deemed to attain their majority for different purposes.

4. Please supply information on the ways and means, both formal and informal, employed in your country to grant assistance and protection to the family. In particular:

(a) How does your country guarantee the right of men and, particularly, women to enter into marriage with their full and free consent and to establish a family? Please indicate and eventually give particulars about cases where the measures taken were not successful in abolishing practices adversely affecting the enjoyment of this right.

(b) By what measures does your country facilitate the establishment of a family as well as maintain, strengthen and protect it, particularly while it is responsible for the care and education of dependent children? Despite these measures, are there families which do not enjoy the benefit of such protection and assistance at all or which do so to a significantly lesser degree than the majority of the population? Please give details of these situations. Are extended families or other forms of familial organization recognized in determining the availability or applicability of these measures, particularly with respect to government benefits?

(c) With regard to shortcomings visible under subparagraphs (a) or (b), what measures are contemplated to remedy the situation?

5. Please provide information on your system of maternity protection.

(a) In particular:

(i) Describe the scope of the scheme of protection;

(ii) Indicate the total length of the maternity leave and of the period of compulsory leave after confinement;

(iii) Describe the cash, medical and other social security benefits granted during these periods;

(iv) Indicate, how these benefits have been developed over time.

(b) Please indicate whether there are in your society groups of women who do not enjoy any maternity protection at all or which do so to a significantly lesser degree than the majority. Please give details of these situations. What measures are being taken or contemplated to remedy this situation? Please describe the effect of these measures on the situation of the vulnerable and disadvantaged groups in point, and report on successes, problems and shortcomings of such measures.

6. Please describe the special measures of protection and assistance on behalf of children and young persons, especially measures to protect them from economic and social exploitation or to prevent their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development.

(a) What are the age limits in your country below which the paid employment of child labour in different occupations is prohibited?

(b) Please specify how many children, and of which age groups, engage in paid employment, and to what extent.

(c) Please specify to what extent children are being employed in their families' households, farms or businesses.

(d) Please indicate whether there are in your country any groups of children and young persons which do not enjoy the measures of protection and assistance at all or which do so to a significantly lesser degree than the majority. In particular, what is the respective situation of orphans, children without living biological parents, young girls, children who are abandoned or deprived of their family environment, as well as physically or mentally handicapped children?

(e) How are the persons mentioned in the preceding paragraph informed of their respective rights?

(f) Please give details of any difficulties and shortcomings. How have such adverse situations developed over time? What measures are being taken to remedy these situations? Please describe the effect of these measures over time and report on successes, problems and shortcomings.

7. In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions as well as administrative rules, procedures and practices during the reporting period affecting the right enshrined in article 10.

8. Please describe the role of international assistance in the full realization of the right enshrined in article 10.

Article 11 of the Covenant

1. (a) Please supply information on the current standard of living of your population, in respect of both the aggregate and different socio-economic, cultural, and other groups within the society. How has the standard of living changed over time (e.g., compared with 10 years ago and 5 years ago) with regard to these different groups? Has there been a continuous improvement of living conditions for the entire population or for what groups?

(b) In case your Government has recently submitted reports relevant to the situation with respect to all or some of the rights contained in article 11 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

(c) Please indicate the per capita GNP for the poorest 40 per cent of your population. Is there a "poverty line" in existence in your country and, if so, what is the basis for this line?

(d) Please indicate your country's Physical Quality of Life Index.

2. The right to adequate food

(a) Please provide a general overview of the extent to which the right to adequate food has been realized in your country. Describe the sources of information that exist in this regard, including nutritional surveys and other monitoring arrangements.

(b) Please provide detailed information (including statistical data broken down in terms of different geographical areas) on the extent to which hunger and/or malnutrition exists in your country. This information should deal in particular with the following issues:

(i) The situation of especially vulnerable or disadvantaged groups, including:

Landless peasants
Marginalized peasants
Rural workers
Rural unemployed
Urban unemployed
Urban poor
Migrant workers
Indigenous peoples
Children
Elderly people
Other especially affected groups;

(ii) Any significant differences in the situation of men and women within each of the above groups;

(iii) The changes that have taken place over the past five years with respect to the situation of each of the above groups.

(c) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the access to adequate food by these groups or sectors or within the worse-off regions? If so, please describe these changes and evaluate their impact.

(d) Please indicate what measures are considered necessary by your Government to guarantee access to adequate food for each of the vulnerable or disadvantaged groups mentioned above and for the worse-off areas, and for the full implementation of the right to food for both men and women. Indicate the measures taken and specify time-related goals and nutritional bench-marks for measuring achievements in this regard.

(e) Please indicate in what ways measures taken to improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge have contributed towards, or have impeded the realization of the right to adequate food. Please describe the impact of these measures in terms of ecological sustainability and the protection and conservation of food producing resources.

(f) Please indicate what measures are taken to disseminate knowledge of the principles of nutrition and specify whether any significant groups or sectors within society seem to lack such knowledge.

(g) Please describe any measures of agrarian reform taken by your Government to ensure that the agrarian system is efficiently utilized in order to promote food security at household level without negatively affecting human dignity both in the rural and urban settings taking into account articles 6 to 8 of the Covenant. Describe the measures taken:

(i) To legislate to this effect;

(ii) To enforce existing law to this effect;

(iii) To facilitate monitoring through governmental and non-governmental organizations.

(h) Please describe and evaluate the measures taken by your Government in order to ensure an equitable distribution, in terms of both production and trade, of world food supplies in relation to need, taking into account the problems of both food-importing and food-exporting countries.

3. The right to adequate housing

(a) Please furnish detailed statistical information about the housing situation in your country.

(b) Please provide detailed information about those groups within your society that are vulnerable and disadvantaged with regard to housing. Indicate, in particular:

(i) The number of homeless individuals and families;

(ii) The number of individuals and families currently inadequately housed and without ready access to basic amenities such as water, heating (if necessary), waste disposal, sanitation facilities, electricity, postal services, etc. (in so far as you consider these amenities relevant in your country). Include the number of people living in over-crowded, damp, structurally unsafe housing or other conditions which affect health;

(iii) The number of persons currently classified as living in "illegal" settlements or housing;

(iv) The number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction;

(v) The number of persons whose housing expenses are above any government-set limit of affordability, based upon ability to pay or as a ratio of income;

(vi) The number of persons on waiting lists for obtaining accommodation, the average length of waiting time and measures taken to decrease such lists as well as to assist those on such lists in finding temporary housing;

(vii) The number of persons in different types of housing tenure by: social or public housing; private rental sector; owner-occupiers; "illegal" sector; and other.

(c) Please provide information on the existence of any laws affecting the realization of the right to housing, including:

(i) Legislation which gives substance to the right to housing in terms of defining the content of this right;

(ii) Legislation such as housing acts, homeless person acts, municipal corporation acts, etc;

(iii) Legislation relevant to land use, land distribution; land allocation, land zoning, land ceilings, expropriations including provisions for compensation; land planning, including procedures for community participation;

(iv) Legislation concerning the rights of tenants to security of tenure, to protection from eviction; to housing finance and rental control (or subsidy), housing affordability, etc;

(v) Legislation concerning building codes, building regulations and standards and the provision of infrastructure;

(vi) Legislation prohibiting any and all forms of discrimination in the housing sector, including groups not traditionally protected;

(vii) Legislation prohibiting any form of eviction;

(viii) Any legislative repeal or reform of existing laws which detracts from the fulfilment of the right to housing;

(ix) Legislation restricting speculation on housing or property, particularly when such speculation has a negative impact on the fulfilment of housing rights for all sectors of society;

(x) Legislative measures conferring legal title to those living in the "illegal" sector;

(xi) Legislation concerning environmental planning and health in housing and human settlements.

(d) Please provide information on all other measures taken to fulfil the right to housing, including:

(i) Measures taken to encourage "enabling strategies" whereby local community-based organizations and the "informal sector" can build housing and related services. Are such organizations free to operate? Do they receive Government funding?

(ii) Measures taken by the State to build housing units and to increase other construction of affordable, rental housing;

(iii) Measures taken to release unutilized, under-utilized or mis-utilized land;

(iv) Financial measures taken by the State including details of the budget of the Ministry of Housing or other relevant Ministry as a percentage of the national budget;

(v) Measures taken to ensure that international assistance for housing and human settlements is used to fulfil the needs of the most disadvantaged groups;

(vi) Measures taken to encourage the development of small and intermediate urban centres, especially at the rural level;

(vii) Measures taken during, *inter alia*, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics, expositions, conferences, etc.), "beautiful city campaigns", etc., which guarantee protection from eviction or guaranteed rehousing based on mutual agreement, by any persons living on or near to affected sites;

(e) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right to adequate housing? If so, please describe the changes and evaluate their impact.

4. Please give details on any difficulties or shortcomings encountered in the fulfilment of the rights enshrined in article 11 and on the measures taken to remedy these situations (if not already described in the present report).

5. Please indicate the role of international assistance in the full realization of the rights enshrined in article 11.

Article 12 of the Covenant

1. Please supply information on the physical and mental health of your population, in respect of both the aggregate and the different groups within your society. How has the health situation changed over time with regard to these groups? In case your Government has recently submitted reports on the health situation in your country to the World Health Organization (WHO) you may wish to refer to the relevant parts of these reports rather than repeat the information here.

2. Please indicate whether your country has a national health policy. Please indicate whether a commitment to the WHO primary health care approach has been adopted as part of the health policy of your country. If so, what measures have been taken to implement primary health care?

3. Please indicate what percentage of your GNP as well as of your national and/or regional budget(s) is spent on health. What percentage of those resources is allocated to primary health care? How does this compare with 5 years ago and 10 years ago?

4. Please provide, where available, indicators as defined by the WHO, relating to the following issues:

(a) Infant mortality rate (in addition to the national value, please provide the rate by sex, urban/rural division, and also, if possible, by socio-economic or ethnic group and geographical area. Please include national definitions of urban/rural and other subdivisions);

(b) Population access to safe water (please disaggregate urban/rural);

(c) Population access to adequate excreta disposal facilities (please disaggregate urban/rural);

(d) Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis (please disaggregate urban/rural and by sex);

(e) Life expectancy (please disaggregate urban/rural, by socio-economic group and by sex);

(f) Proportion of the population having access to trained personnel for the treatment of common diseases and injuries, with regular supply of 20 essential drugs, within one hour's walk or travel;

(g) Proportion of pregnant women having access to trained personnel during pregnancy and proportion attended by such personnel for delivery. Please provide figures on the maternity mortality rate, both before and after childbirth;

(h) Proportion of infants having access to trained personnel for care.

(Please provide breakdowns by urban/rural and socio-economic groups for indicators (f) to (h).)

5. Can it be discerned from the breakdowns of the indicators employed in paragraph 4, or by other means, that there are any groups in your country whose health situation is significantly worse than that of the majority of the population? Please define these groups as precisely as possible and give details. Which geographical areas in your country, if any, are worse off with regard to the health of their population?

(a) During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the health situation of these groups or areas? If so, please describe these changes and their impact.

(b) Please indicate what measures are considered necessary by your Government to improve the physical and mental health situation of such vulnerable and disadvantaged groups or in such worse-off areas.

(c) Please explain the policy measures your Government has taken, to the maximum of available resources, to realize such improvement. Indicate time-related goals and bench-marks for measuring your achievements in this regard.

(d) Please describe the effect of these measures on the health situation of the vulnerable and disadvantaged groups or worse-off areas under consideration, and report on the successes, problems and shortcomings of these measures.

(e) Please describe the measures taken by your Government in order to reduce the stillbirth-rate and infant mortality and to provide for the healthy development of the child.

(f) Please list the measures taken by your Government to improve all aspects of environmental and industrial hygiene.

(g) Please describe the measures taken by your Government to prevent, treat and control epidemic, endemic, occupational and other diseases.

(h) Please describe the measures taken by your Government to assure to all medical service and medical attention in the event of sickness.

(i) Please describe the effect of the measures listed in subparagraphs (e) to (h) on the situation of the vulnerable and disadvantaged groups in your society and in any worse-off areas. Report on difficulties and failures as well as on positive results.

6. Please indicate the measures taken by your Government to ensure that the rising costs of health care for the elderly do not lead to infringements of these persons right to health.

7. Please indicate what measures have been taken in your country to maximize community participation in the planning, organization, operation and control of primary health care.

8. Please indicate what measures have been taken in your country to provide education concerning prevailing health problems and the measures of preventing and controlling them.

9. Please indicate the role of international assistance in the full realization of the right enshrined in article 12.

Article 13 of the Covenant

1. With a view to achieving in your country the full realization of the right of everyone to education:

(a) How does your Government discharge its obligation to provide for primary education that is compulsory and available free to all? (If primary education is not compulsory and/or free of charge, see especially article 14.)

(b) Is secondary education, including technical and vocational secondary education, generally available and accessible to all? To what extent is such secondary education free of charge?

(c) To what extent is general access to higher education realized in your country? What are the costs of such higher education? Is free education established or being introduced progressively?

(d) What efforts have you made to establish a system of fundamental education for those persons who have not received or completed the whole period of their primary education?

In case your Government has recently submitted reports relevant to the situation with respect to the right contained in article 13 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

2. What difficulties have you encountered in the realization of the right to education, as spelt out in paragraph 1? What time-related goals and bench-marks has your Government set in this respect?

3. Please provide statistics on literacy, enrolment in fundamental education with information on rural areas, adult and continuing education, drop-out rates at all levels of education as well as graduating rates at all levels (please disaggregate, if possible, according to sex, religion, etc.). Also provide information on measures taken to promote literacy, with data on the scope of the programmes, target population, financing and enrolment, as well as graduation statistics by age group, sex, etc. Please report on the positive results of these measures as well as on difficulties and failures.

4. Please provide information on the percentage of your budget (or, if necessary, regional budgets) spent on education. Describe your system of schools, your activity in building new schools, the vicinity of schools, particularly in rural areas, as well as the schooling schedules.

5. To what extent is equal access to the different levels of education and measures to promote literacy enjoyed in practice? For instance:

(a) What is the ratio of men and women making use of the different levels of education and taking part in these measures?

(b) With regard to practical enjoyment of the right to these levels of education and measures to promote literacy, are there any particularly vulnerable and disadvantaged groups? Indicate, for instance, to what extent young girls, children of low-income groups, children in rural areas, children who are physically or mentally disabled, children of immigrants and of migrant workers, children belonging to linguistic, racial, religious or other minorities, and children of indigenous people, enjoy the right to literacy and education spelt out in article 12.

(c) What actions is your Government taking or contemplating in order to introduce or guarantee equal access to all levels of education within your country, for instance in the form of anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action? Please describe the effect of such measures.

(d) Please describe the language facilities provided to this effect, such as the availability of teaching in the mother tongue of the students.

6. Please describe the conditions of teaching staff at all levels in your country, having regard to the Recommendation concerning the Status of Teachers, adopted on 5 October 1966 by the Special Intergovernmental Conference on the Status of Teachers, convened by UNESCO. How do teachers' salaries compare to salaries of (other) civil servants? How has this ratio developed over time? What measures does your country take or contemplate to improve the living conditions of teaching staff?

7. What proportion of schools at all levels in your country is not established and administered by the Government? Have any difficulties been encountered by those wishing to establish or to gain access to those schools?

8. During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the right enshrined in article 13? If so, please describe these changes and evaluate their impact.

9. Please indicate the role of international assistance in the full realization of the right enshrined in article 13.

Article 14 of the Covenant

If compulsory and free primary education in your country is not currently enjoyed, please provide details on the required plan of action for the progressive implementation, within a reasonable number of years fixed in this plan, of this principle. What particular difficulties have you encountered in the realization of this plan of action? Please indicate the role of international assistance in this respect.

Article 15 of the Covenant

1. Please describe the legislative and other measures adopted by or in your State to realize the right of everyone to take part in the cultural life which he or she considers pertinent, and to manifest his or her own culture. In particular, provide information on the following:

(a) Availability of funds for the promotion of cultural development and popular participation in cultural life, including public support for private initiative.

(b) The institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres, cinemas, and in traditional arts and crafts.

(c) Promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions.

(d) Promotion of awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous peoples.

(e) Role of mass media and communications media in promoting participation in cultural life.

(f) Preservation and presentation of mankind's cultural heritage.

(g) Legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limits imposed on the freedom.

(h) Professional education in the field of culture and art.

(i) Any other measures taken for the conservation, development and diffusion of culture.

Please report on positive effects as well as on difficulties and failures, particularly concerning indigenous and other disadvantaged and particularly vulnerable groups.

2. Please describe the legislative and other measures taken to realize the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science. In particular, provide information on the following:

(a) Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures aimed at the preservation of mankind's natural heritage and at promoting a healthy and pure environment and information on the institutional infrastructures established for that purpose.

(b) Measures taken to promote the diffusion of information on scientific progress.

(c) Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the rights to life, health, personal freedom, privacy and the like.

(d) Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions.

3. Please describe the legislative and other measures taken to realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author. In particular, supply information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities. What difficulties have affected the degree of realization of this right?

4. What steps has your Government taken for the conservation, development and diffusion of science and culture? Please describe in particular:

(a) Measures at the constitutional level, within the national educational system and by means of the communications media.

(b) All other practical steps taken to promote such conservation, development and diffusion.

5. Please describe the legal, administrative and judicial system designed to respect and protect the freedom indispensable for scientific research and creative activity, in particular:

(a) Measures designed to promote enjoyment of this freedom including the creation of all necessary conditions and facilities for scientific research and creative activity.

(b) Measures taken to guarantee the freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions.

(c) Measures taken to support learned societies, academies of science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities.

What difficulties have affected the degree of realization of this freedom?

6. Please describe the legislative and other measures by which your Government encourages and develops international contacts and co-operation in the scientific and cultural fields, including measures taken for:

(a) The fullest utilization, by all the States concerned, of the facilities afforded by their adherence to regional and international conventions, agreements and other instruments in the scientific and cultural fields.

(b) Participation by scientists, writers, artists and others involved in scientific research or creative activity, in international scientific and cultural conferences, seminars, symposiums, etc.

What factors and difficulties have affected the development of international co-operation in these fields?

7. During the reporting period, have there been any changes in national policies, laws and practices negatively affecting the rights enshrined in article 15? If so, please describe these changes and evaluate their impact.

8. In case your Government has recently submitted reports relevant to the situation with respect to the rights contained in article 15 to the United Nations or a specialized agency, you may wish to refer to the relevant parts of those reports rather than repeat the information here.

9. Please indicate the role of international assistance in the full realization of the rights enshrined in article 15.

Annex V

LIST OF STATES PARTIES' DELEGATIONS WHICH PARTICIPATED IN THE CONSIDERATION OF THEIR RESPECTIVE REPORTS BY THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AT ITS FIFTH SESSION

JORDAN	Representative:	H.E. Mr. Al-Shérif Fawaz Sharaf Ambassador Permanent Representative of Jordan to the United Nations Office at Geneva
	Adviser:	Mr. Fakhri Matalgah First Secretary Permanent Mission of Jordan to the United Nations Office at Geneva
LUXEMBOURG	Representative:	Mr. Albert Weitzel President of the Luxembourg Court
	Adviser:	Mr. André Thill President of the Luxembourg Social Insurance Office
		H.E. Mr. Julien Alex Ambassador Permanent Representative of Luxembourg to the United Nations Office at Geneva
		Mr. Paul Duhr Deputy Permanent Representative of Luxembourg to the United Nations Office at Geneva
ECUADOR	Representative:	H.E. Mr. Eduardo Santos Alvite Ambassador Permanent Representative of Ecuador to the United Nations Office at Geneva
	Advisers:	Mr. Santiago Apunte Franco First Secretary Permanent Mission of Ecuador to the United Nations Office at Geneva
		Mr. Iñigo Salvador Crespo Second Secretary Permanent Mission of Ecuador to the United Nations Office at Geneva

COSTA RICA	Representative:	S.E. Dr. Jorge Rhenán Segura Ambassador Deputy Permanent Representative Permanent Mission of Costa Rica to the United Nations Office at Geneva
	Adviser:	Mr. Javier Rodríguez Alpízar First Secretary Permanent Mission of Costa Rica to the United Nations Office at Geneva
IRAN (ISLAMIC REPUBLIC OF)	Representative:	H.E. Mr. Kia Tabatabaee Ambassador Deputy Permanent Representative of the Islamic Republic of Iran to the United Nations Office at Geneva
	Adviser:	Dr. Mohsen-Pour Director-General Bureau of Research Ministry of Education
DOMINICAN REPUBLIC	Representative:	Mr. F. Daniel Suazo Chargé d'affaires a.i. Permanent Mission of the Dominican Republic to the United Nations Office at Geneva

Annex VI

LETTER DATED 4 MAY 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ARGENTINA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE CHAIRMAN OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

To: Chairman, Committee on Economic, Social and Cultural Rights

I have the honour to address you on behalf of the Government of the Argentine Republic with reference to the concluding observations of the Committee on Economic, Social and Cultural Rights concerning the initial report of Argentina concerning the rights covered by articles 13 to 15 (E/1988/5/Add.4) submitted under articles 16 and 17 of the Covenant.

My Government wishes to inform you that it has taken note with surprise of the Committee's conclusions (document E/1990/23, para. 254). It is stated therein that the Committee "regretted that the answers provided by the representative of the State party to the questions concerning the position of the indigenous minorities had not entirely dispelled the concern which the members might have in that regard. Likewise, the information given in reply to the questions concerning the distribution of national income, the situation of the 12 million Argentinians living below the poverty level and the employment opportunities for university graduates were not felt to have been entirely adequate".

The authorities of Argentina do not question the right of the Committee to reach conclusions regarding any aspect of their report and fully recognize its independence and its powers as a body entrusted with monitoring compliance by States with the International Covenant on Economic, Social and Cultural Rights.

It is, however, surprising - and indeed contrary to the practice of all the committees set up under human rights treaties - that none of the experts expressed any dissatisfaction when the Argentine delegation concluded its replies to the questions put to it.

The dissatisfaction of the experts appears all the more odd in that the summary record of the meeting (see E/C.12/1990/SR.19, para. 38) shows that none of them asked the Chairman for the floor to express his concerns and thus give the Argentine representatives an opportunity to make the relevant clarifications.

It was only at the 20th meeting of 29 January 1990 - and in the absence of the Argentine delegation - that the experts expressed their criticisms, a situation which the Chairman of the meeting himself considered inappropriate since he "drew attention to the fact that the debate had been declared closed at the previous meeting, held on Friday, 26 January, as members of the Committee had had no further questions or comments on the Argentine report, and that the statements which were now being made were reopening the discussion, whereas they should have taken place when the Argentine delegation had been present to respond. He considered that to be a departure from the Committee's normal procedure ..."; and in a later statement he added "that the current situation was unprecedented. It had never happened that a delegation had been denied the opportunity to reply to comments made by members of the the Committee" (see E/C.12/1990/SR.20, paras. 21 and 23).

The procedure thus adopted ignored the principle of equality of opportunity which must necessarily be observed by all the supervisory bodies bearing in mind the eminently legal character of their tasks, with the aggravating circumstance in the present case that it meant ignoring the rights of a State party to the Covenant.

We also consider it unacceptable that the inclusion in the Committee's report of the critical paragraphs in question is largely due to a presentation by a non-governmental organization made subsequently to our statement. This appears clearly from the summary records, and in particular from the statement by Mr. Texier, who declared that "when the Argentine delegation had finished replying to the questions put to it, none of the experts had indicated a wish to speak, and the Chairman had therefore declared the meeting closed. It was only then that the representative of a non-governmental organization defending the rights of indigenous persons had asserted to some of the experts that the replies given by Argentina were unsatisfactory on certain points such as the census figures for indigenous persons, ... the way they were treated, etc. If the experts had been aware of those comments before the end of the meeting, they would have been able to ask additional questions" (see E/C.12/1990/SR.20, para. 42).

The Argentine Republic has a deep respect for the non-governmental organizations and more particularly for those working in the area of human rights. It would never venture to challenge their right to participate in the life of international organizations and to make any criticisms they consider appropriate regarding the action of States. Indeed, we encourage that activity, convinced as we are that it is absolutely necessary and desirable to ensure that all views are heard.

For that reason, we consider it inadmissible that a statement by a representative of a non-governmental organization should have sufficed to make the majority of the experts change their views regarding the Argentine report and - what is even more serious - without allowing our delegation its legitimate right of reply.

In this connection, my country cannot accept the argument put forward by Mr. Alston (see E/C.12/1990/SR.20, para. 33) to the effect that "States parties had the right to be present during the submission of the concluding observations on reports, and that they were even invited to do so", giving in that regard the example of Cyprus. The fact is that 29 January, when the concluding observations were discussed, was the date on which the forty-sixth session of the Commission on Human Rights began, which obviously made it difficult for the Argentine delegation to attend the meeting of the Committee. In any case, there was nothing to prevent the Committee, had it so wished, from requesting the attendance of the Argentine delegation for the purposes of the required clarifications - a request with which we would have immediately complied, since both the Committee and the secretariat of the Centre for Human Rights were aware that the head of the Argentine delegation, and the officials of the Permanent Mission at Geneva who accompanied her, were available if their attendance at the Committee was requested.

My Government therefore deplores the fact that the Committee should have failed to contact our Mission for that purpose, or at any time to invite the Argentine delegation to participate in the meeting at which the concluding observations were presented.

Before concluding, I wish to inform you that in due course my Government will transmit to the Committee its response to all the concerns expressed by the experts, in compliance with its obligations under the International Covenant on Economic, Social and Cultural Rights and with a view to continuing a fluid dialogue with the body under your chairmanship.

At the same time, the authorities of my country cannot but draw attention to what they consider to be a serious breach of procedure by a body entrusted with monitoring the observance of a human rights treaty, inasmuch as that breach deprived a State party of its equality of opportunity to defend its position. This resulted in critical observations on the part of the Committee which we believe could have been avoided in large measure if we had been given an opportunity of furnishing the necessary explanations at the appropriate time and in the appropriate form.

In future, the Argentine delegation will make strenuous efforts both in the Commission on Human Rights and in the Economic and Social Council and the General Assembly of the United Nations, to ensure that all United Nations bodies concerned with the protection of human rights, observe as standard practice the principle of equality of opportunity to respond to allegations made against States, this being the only means of preventing situations in which they go undefended, as happened to Argentina in the present case.

Accept, Sir, the assurances of my highest consideration.

(Signed) Gregorio DUPONT
Minister Plenipotentiary
Chargé d'affaires a.i.

Annex VII

LETTER DATED 11 DECEMBER 1990 FROM THE CHAIRMAN OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS ADDRESSED TO THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS OFFICE AT GENEVA

I wish to refer on behalf of the Committee on Economic, Social and Cultural Rights to the letter addressed by you to its Chairman on 4 May 1990 relating to the concluding observations of the Committee at its fourth session concerning the initial report of Argentina on articles 13-15 of the Covenant. After discussion with the Committee on three separate occasions during its fifth session I have been requested by my colleagues to respond in the terms set out herein.

One of the issues arising from the letter concerns the methods of work of the Committee and, in particular, its practice of reflecting in its report any concluding observations that its members consider to be warranted at the conclusion of the examination of each State party's report. This procedure has been clearly laid down in the Committee's reports, and is reflected in the rules of procedure which were adopted by the Committee at its third session. As the Government will certainly appreciate, the Committee is obliged to retain its autonomy in such matters in order to ensure its effective functioning.

Another issue arising from the letter concerns the issue of indigenous minorities and the use by some members of the Committee of information provided to them by non-governmental organizations. The Committee notes that its rules of procedure provide for the use of all relevant sources of information to facilitate its work. The Committee attaches great importance to the need to ensure the proper application of its procedures and its members have always endeavoured to respect this principle. It is with considerable regret therefore that the Committee notes the view of the Government that, in this instance, its members failed to follow the correct procedures. In order to ensure that the Committee does indeed take fully into account all information available from the Government, the Committee warmly welcomes the information that the Government will, in due course, transmit to the Committee in response to all the concerns expressed by the experts. The Committee looks forward to receiving that information which will contribute further towards the constructive dialogue that characterizes its work.

Accept, Sir, the assurances of my highest consideration.

(Signed) Valeri I. Kouznetsov
Chairman
Committee on Economic, Social
and Cultural Rights

Annex VIII

LIST OF DOCUMENTS OF THE COMMITTEE AT ITS FIFTH SESSION

E/1982/3/Add.38/Rev.1	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Jordan
E/1988/5/Add.9	*Idem*: Panama
E/1986/3/Add.15	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 10 to 12, in accordance with the second stage of the programme established by Economic and Social Council resolution 1988 (LX): Nicaragua
E/1989/5/Add.3	Supplementary information submitted by States parties to the Covenant following consideration of their reports by the Committee: Colombia
E/1990/5/Add.5	Initial reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15, under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights and in accordance with the programme established by Economic and Social Council resolution 1988/4: New Zealand
E/1990/6/Add.2	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 1 to 15, under articles 16 and 17 of the Covenant and in accordance with the programme established by Economic and Social Council resolution 1988/4: Italy
E/1990/7/Add.8	Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX): Union of Soviet Socialist Republics
E/1990/7/Add.9	*Idem*: Poland
E/1990/7/Add.10	*Idem*: Hungary

E/1990/23	Report of the Committee on Economic, Social and Cultural Rights on its fourth session
E/1991/4	Thirteenth report of the International Labour Organisation under article 18 of the International Covenant on Economic, Social and Cultural Rights, submitted in accordance with Economic and Social Council resolution 1988 (LX)
E/C.12/1990/4	Rules of procedure of the Committee
E/C.12/1990/5	A revised schedule adopted by the Committee at its fourth session for the submission of reports by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights
E/C.12/1990/6	Provisional agenda and annotations: note by the Secretary-General
E/C.12/1990/7	States parties to the International Covenant on Economic, Social and Cultural Rights and status of submission of reports in accordance with the programme established by the Economic and Social Council in resolutions 1988 (LX) and 1988/4 and article 58 of the rules of procedure of the Committee: note by the Secretary-General
E/C.12/1990/L.3	Draft programme of work: note by the Secretary-General
E/C.12/1990/L.3/Rev.1	Tentative programme of work for the fifth session, as approved by the Committee at its 28th meeting
E/C.12/1990/NGO/4	Written statement submitted by the International Organization for the Development of Freedom of Education (OIDEL), a non-governmental organization in consultative status (category II)
E/C.12/1990/SR.27-50 and SR.27-50/ Corrigendum	Summary records of the fifth session (27th to 50th meetings) of the Committee on Economic, Social and Cultural Rights

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